80-6657

IN THE UNITED STATES SUPREME COURT

WASHINGTON, D.C.

RECEIVED

APR 9 1981

OFFICE OF THE CLERK
SUPREME COURT, U.S.

JAMES E. PATTERSON, PETITIONER

V.

OTIS ABERNATHY, RALPH JOHNSON, JAMES E. LEWIS, KENNETH GORDON, THEODORE FRANKEL, JOHN HINCHEY, HANS J. SCHACHT, NEIL GUNTER & WESLEY BOYD.

RE: C.A.NO.79-106-N

OTIS ABERNATHY, RALPH JOHNSON, JAMES LEWIS, THEODORE FRANKEL, KENNETH GORDON, HANS J. SCHACHT, JOHN HINCHEY, NEIL GUNTER, WESLEY BOYD & THE UNITED STATES DISTRICT COURT -NORTHERN DISTRICT OF GA.

RE: C.A.NO.80-1236-A

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

COMES THE PETITIONER, JAMES E. PATTERSON, PRO SE, AND MOVES THIS COURT FOR LEAVE TO PROCEED IN THIS ACTION IN FORMA PAUPERIS PURSUANT TO 28 U.S.C. # 1915 WITHOUT FIRST BEING REQUIRED TO PREPAY FEES AND THE COSTS OR OTHERWISE BEING REQUIRED TO GIVE SECURITY THEREFOR. IN SUPPORT OF THIS MOTION PETITIONER, PRO SE, HAS ATTACHED HIS AFFIDAVIT OF POVERTY HERETO.

THE UNITED STATES SUPREME COURT NOT ONLY HAS THE POWER TO CONSIDER THIS MOTION FOR RELIEF FROM A CORRUPTED FEDERAL DISTRICT COURT BUT IT IS THE SWORN DUTY OF THIS COURT TO KEEP THE DIDTRICT COURTS FREE OF JUDGES KNOWN TO BE GUILTY OF MALFEASANCE IN OFFICE. 28 U.S.C. # 1253.

THE COURT SHOULD PERMIT THIS APPEAL IN FORMA PAUPERIS ON THE GROUNDS THAT INJUNCTIVE RELIEF GRANTED TO THE DEFENDANTS THAT IS NOT BASED ON EITHER SWORN AFFIDAVITS OR EVIDENCE DEDUCED AT A HEARING IS UNCONSTITUTIONAL. 28 U.S.C.# 1253. MCCLUSAS V. DECHAMPLAIN (1975) 421 US 21, 95 SCT 1365, 43 LE2D 699.

RESPECTFULLY SUBMITTED,

James Patterson

JAMES E. PATTERSON, PRO SE
1004 VERNON STREET
LAGRANGE, GEORGIA 30240
(404) 882-8533

DATED: 3-6-81.

B..

IN UNITED STATES SUPREME COURT
WASHINGTON,D.C.

RECEIVED
APR 9 1981
OFFICE OF THE CLERK
SUPREME COURT, U.S.

JAMES E.PATTERSON,PETITIONER

V.

OTIS ABERNATHY,JAMES LEWIS,KENNETH GORDON,THEODORE FRANKEL,HANS SCHACHT,WESLEY BOYD,NEIL GUNTER, RALPH JOHNSON,AND ALL BONDING COMPANIES COVERING THE ABOVE RESPONDENTS

RESPONDENTS

C.A.NO.79-106-N

JAMES E.PATTERSON,PETITIONER

V.

OTIS ABERNATHY,JAMES* LEWIS, * KENNETH GORDON,THEODORE FRANKEL,* *HANS J.SCHACHT,JOHN HINCHEY, NEIL GUNTER,WESLEY BOYD,RALPH JOHNSON, WILLIAM E.HOFFMAN,JR.,JEFFERY SMITH, & DISTRICT FEDERAL COURT FOR NORTHERN DISTRICT OF GEORGIA. *= LAWYER.

AFFIDAVIT SUPPORTING PETITION FOR LEAVE TO

APPEAL IN FORMA PAUPERIS

I,JAMES E.PATTERSON,BEING FIRST DULY SWORN,DEPOSE AND SAY THAT I THE PETITIONER IN THE ABOVE-ENTITLED CASES; THAT IN SUPPORT OF MY PETITION TO PROCEED ON APPEAL WITHOUT BEING REQUIRED TO PREPAY FEES, COSTS OR GIVE SECURITY THEREFOR,I STATE THAT BECAUSE OF MY POVERTY I AM UNABLE TO PAY THE COSTS OF SAID PROCEEDING OR TO GIVE SECURITY THEREFORE; THAT I BELIEVE I AM ENTITLED TO REDRESS; AND THE ISSUES WHICH I DESIRE TO PRESENT ON APPEAL ARE THE FOLLOWING:

1. THE FEDERAL JUDICARY CONSPIRACY EMPLOYED SINCE 1977 BY THE DISTRICT AND APPEALS COURT WITH STATE EMPLOYEES AND PRIVATE CITIZENS TO DENY THIS PRO SE THE DUE ADMINISTRATION OF JUSTICE.

2. WHEN FOUR (4) DISTRICT COURT JUDGES BECOMES INVOLVED IN A --- FEDERAL JUDICARY CONSPIRACY TO COVER UP FOR ANOTHER FEDERAL JUDGE ,WHO IS GUILTY OF MALFESANCE IN OFFICE,IT IS TIME FOR THIS COURT TO DEMONSTRATE TO THE FIFTH CIRCUIT COURT OF APPEALS THAT THIS COURT DOES NOT CONDONE SUCH FRAUDULENT CONDUCT EVEN IF THAT COURT DOES, AND "IT" DOES SO CONDONE.

1. ARE YOU PRESENTLY EMPLOYED?
   (a) NO.

C.

1. (b) IF ANSWER IS NO, STATE DATE OF LAST EMPLOYMENT AND THE AMOUNT OF THE SALARY AND WAGES RECEIVED?

(a) LAST EMPLOYMENT SCHOOL YEAR 1975-1976 WITH ANNUAL --- SALARY OF $ 15,000.00 PER YEAR. SCHOOL SOCIAL WORKER.

2. HAVE YOU RECEIVED WITHIN THE PAST TWELVE MONTHS ANY INCOME FROM A BUSINESS, PROFESSION OR OTHER FORMS OF SELF EMPLOYMENT, OR IN THE FORM OF RENTS, INTEREST, DIVIDENDS, OR OTHER SOURCE?

(a) RECEIVE $ 496.30 PER MONTH DISABILITY INSURANCE FROM - THE SOCIAL SECURITY ADMINISTRATION.

3. DO YOU OWN ANY CASH OR CHECKING OR SAVINGS ACOUNT?

(a) NO SAVINGS ACCOUNT. LESS THAN $ 100.00 IN CHECKING ACCOUNT.

4. DO YOU OWN ANY REAL ESTATE, STOCKS, BONDS, NOTES, AUTOMOBILES, OR OTHER VALUABLE PROPERTY.

(a) ONLY OWN A 1948 FORD AND A 1968 CHEVROLET.

5. LIST THE PERSONS WHO ARE DEPENDENT UPON YOU FOR SUPPORT AND STATE THEIR RELATIONSHIP WITH YOU.

(a) I SHARE THE EXPENSES FOR THE HOME IN WHICH I RESIDE WITH MY SINGLE SISTER, WHO IS UN-EMPLOYED DUE TO A HEART CONDITION.

I UNDERSTAND THAT A FALSE STATEMENT OR ANSWER TO ANY QUESTIONS IN THIS AFFIDAVIT WILL SUBJECT ME TO THE PENALTY FOR PERJURY.

James Patterson
JAMES E. PATTERSON

SUBSCRIBED AND SWORN TO BEFORE ME THIS 2 DAY OF March 1981.

Sharon Pruett
NOTARY, PUBLIC

My Commission Expires Aug. 21, 1981.

C.

TABLE OF CONTENTS

	BRIEF PAGE
PETITION FOR ALLOWANCE OF AN APPEAL ----------	A
MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS ----	B
AFFIDAVIT SUPPORTING PETITION FOR LEAVE TO APPEAL IN FORMA PAUPERIS ----- ----------	6
BRIEF-- JURISDICTION --- see, Page 17-C	1
SUMMARY ---	1
STATEMENT OF QUESTIONS INVOLVED ------	2---8
STATEMENT OF CASE ------	9
SUMMARY OF ARGUMENT -----	9--14
ARGUMENT -----	14- 23
STATUTES INVOLVED -----	24- 27

EXHIBITS ATTACHED HERETO -----

EXHIBIT NO.1-CITED ON PAGE NO.----------A

EXHIBIT NO.2-CITED ON PAGE NO.----------A

EXHIBIT NO.3-FRAUDULENT ORDER CITED ON PAGE NO. -------- 17

EXHIBIT NO.4-FRAUDULENT ORDER SIGNED BY JUDGE cited PAGE NO.-- 17

EXHIBIT NO.5-JUDGE TIDWELL'S ORDER FOR CONSENT JUDGMENT- 18

EXHIBIT NO.6-JUDGE SHOOB RESORTS TO PERJURY ---------- - 20

EXHIBIT NO.7-BANK PAYS CHECK SHOOB SAYS NOT PAYED. ----- 20

EXHIBIT NO.8-WEEK BEFORE SHOOB'S PERJURY HE HAD RULED THAT CASE NO.C80-1236-A COULD PROCEED ----- NO

EXHIBIT NO.A-JUDGE VINING CANCELS CONTEMPT TRIAL---------22

EXHIBIT NO.B-JUDGE VINING FALSELY CERTIFIES THAT WE FAILED TO APPEAR AS ORDER FOR CONTEMPT TRIAL ----- 22

EXHIBIT NO.C-FIFTH CIRCUIT REFUSES RULING ON GROUNDS THAT-PLEADING IS "ALMOST UNINTELLIGIBLE" ALL

EXHIBIT NO.D-FIFTH REFUSES TO RULE ON OUR SECURED RIGHT TO A SPEEDY TRIAL WITH COURT APPOINTED COUNSEL---

EXHIBIT E-BANKRUPTED AFTER FIGHTING FEDERAL COURT FOR FOUR YEARS FOR ONE FAIR TRIAL ON THIS MATTER.

JURISDICTIONAL STATEMENT

I, JAMES E. PATTERSON, HEREBY CERTIFY THAT I SEEK AS A PRO SE TO DETERMINE IF DISTRICT AND APPELLANT COURT JUDGES HAVE THE POWER TO COVER UP THE MALFEASANCE CONDUCT IN OFFICE OF FOUR (4) FEDERAL JUDGES.

I, FURTHER CERTIFY THAT I AM AN INDIGENT CITIZEN AND THEREFORE LACK THE MONEY TO FILE AN APPEAL WITH THIS COURT WHICH COMPLIES WITH THE RULES OF THIS COURT. THUS, WE SHALL DETERMINE WHETHER MERITS OF A COMPLAINT OR AN APPEAL MATTER MORE THAN THE REQUIRED FORM OF SUCH AN APPEAL.

THIS APPEAL SEEKS TO LEARN IF A DISTRICT COURT JUDGE HAS THE POWER TO GRANT PARTIES A PERMANENT INJUNCTIVE ORDER WITHOUT AFFORDING US A HEARING AS REQUIRED BY FED R CIV P RULE 65(a)(1). THIS COURT HELD IN GRANNY GOOSE FOODS, INC. V. BROTHERHOOD OF TEAMSTERS & AUTO TRUCH DRIVERS (1974) THAT "THE NOTICE REQUIREMENT OF FED R CIV P RULE 65(a)(1) IMPLIED A HEARING IN WHICH THE DEFENDANT IS GRANTED A FAIR OPPORTUNITY TO OPPOSE THE APPLICATION FOR A PRELIMINARY INJUNCTION AND TO PREPARE FOR SUCH OPPOSITION".

THEREFORE, THE PERMANENT INJUNCTIVE RELIEF GRANTED TO THE NINE (9) DEFENDANTS IN THE CAPTIONED COMPLAINTS WAS UNCONSTITUTIONAL, AND WE SEEK SUCH A RULING FROM THIS COURT.

A PARTY RESTRAINED BY AN INJUNCTIVE JUDGMENT HAS THE SECURED -- RIGHT BY PROVISIONS OF FED R CIV P RULE 62(c) TO FILE ACTION SEEKING RELIEF. STATE OF NEW YORK V. NUCLEAR REGULATORY COMM (1972) 550 F2D 745.

THEREFORE, WE SEEK TO LEARN WHETHER WE HAD THE SECURED RIGHT TO HAVE FILED C.A.NO.80-1236-A ASKING FOR RELIEF FROM AN INJUNCTIVE CLAUSE TACKED ON TO DISMISSAL ORDER OF C.A.NO.79-106-N IN CLEAR VIOLATION OF FED R CIV P RULE 65(d). THE COURT WITH JURISDICTION OVER ACTION NO.C80-1236-A RULED THAT WE COULD NOT FILE IT BECAUSE IT DID VIOLATE THE INJUNCTIVE CLAUSE TACKED ONTO DISMISSAL ORDER FOR CASE NO.C79-106-N. THEREFORE, OUR EFFORT TO SHOW THE INJUNCTIVE CLAUSE - WAS UNCONSTITUTIONAL VIOLATED OUR RIGHTS OF DUE PROCESS OF LAW SECURED BY THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION.

WE SEEK TO LEARN WHETHER OR NOT THE FIFTH, SIXTH AND FOURTEENTH AMENDMENTS ASSURE US OF A SPEEDY TRIAL ON THE ALLEGED VIOLATION OF 18 U.S.C.# 401, CONTEMPT OF COURT. THEN WHAT DOES THIS COURT CONSIDER TO BE SPEEDY WHEN THE SHOW CAUSE ORDER WAS ISSUED ON AUGUST 7, 1980 AND OUR FOUR (4) MOTIONS FOR COURT APPOINTED COUNSEL HAVE BEEN IGNORED BY BOTH THE DISTRICT AND FIFTH CIRCUIT COURT OF APPEALS?

THEREFORE, IT IS OUR ARGUMENT THAT OUR CONSTITUTIONAL RIGHTS TO COURT APPOINTED COUNSEL AND A SPEEDY TRIAL ON THE ALLEGED VIOLATION OF STATUTE 18 U.S.C.# 401 HAVE BEEN DENIED.

WE FURTHER CERTIFY THAT BOTH THE DISTRICT AND APPELLATE COURTS HAVE ISSUED ORDERS TO THEIR CLERKS AND THE DEFENDANTS THAT NO FURTHER PLEADINGS REVELANT TO THE ABOVE UNCONSTITUTIONAL ACTS WILL BE RECEIVED AND THAT DEFENDANTS WILL NOT RESPOND TO ANY PLEADING SERVED

ON THEM SINCE THE DISTRICT COURT RULED ON OCTOBER 2,1980 THAT WE WERE GUILTY OF CONTEMPT WHEN WE HAD NOT BEEN AFFORDED EITHER LEGAL COUNSEL OR A TRIAL.

THEREFORE,THE LOGICAL QUESTION IS WHAT WILL BE ACCOMPLISHED BY OUR SERVING A COPY OF THIS APPEAL ON THE COURTS AND DEFENDANTS --- SINCE THE CLERKS CANNOT RECIEVE IT AND THE DEFENDANTS HAVE BEEN ORDERED NOT TO FILE A RESPONSIVE PLEADING?

HOWEVER,WE CERTIFY THAT A COMPLETE COPY OF THIS APPEAL FOR OUR CONSTITUTIONAL RIGHTS HAS BEEN OFFERED TO BOTH THE APPELLATE COURT AND TO THE DISTRICT COURT.

WHEREFORE,WE SEEK OUR CONSTITUTIONAL RIGHTS TO A TRIAL WITH COUNSEL TO SHOW THAT THE DEFENDANTS WERE NOT ENTITLED TO PERMANENT INJUNCTIVE RELIEF, AND THAT (2) WE HAD THE SECURED RIGHT TO HAVE MADE A CHALLENGE AGAINST THAT UNCONSTITUTIONAL PERMANENT INJUNCTIVE RELIEF BY TRYING TO FILE ACTION NO.C80-1236-A,AND THAT (3) WE ARE NOT GUILTY OF CONTEMPT OF A VALID FEDERAL COURT ORDER.

RESPECTFULLY SUBMITTED,

James E. Patterson

JAMES E.PATTERSON,PRO SE
1004 VERNON STREET
LAGRANGE,GEORGIA 30240
[404] 882-8533

DATED: 3-6-81 .

IN UNITED STATES SUPREME COURT

WASHINGTON,D.C.

RECEIVED
APR 9 1981
OFFICE OF THE CLERK
SUPREME COURT, U.S.

JAMES E.PATTERSON,PETITIONER

V.

OTIS ABERNATHY,JAMES LEWIS,KENNETH GORDON, THEODORE FRANKEL,HANS J.SCHACHT,JOHN HINCHEY, NEIL GUNTER,WESLEY BOYD, RALPH JOHNSON,& ALL BONDING COMPANIES COVERING THE IDENTIFIED RESPONDENTS. -- C.A.NO.79-106-N

RESPONDENTS.

JAMES E.PATTERSON,PETITIONER

V.

OTIS ABERNATHY,JAMES LEWIS,KENNETH GORDON, THEODORE FRANKEL,HANS J.SCHACHT,JOHN HINCHEY, NEIL GUNTER,WESLEY BOYD,RALPH JOHNSON,& THE DISTRICT FEDERAL COURT FOR NORTHERN DISTRICT OF GEORGIA.

RESPONDENTS.

JURISDICTION

THIS COURT HAS JURISDICION OF THIS PETITION FOR ALLOWANCE OF AN APPEAL PURSUANT TO DENIAL OF PRO SE PETITIONER'S DUE PROCESS OF LAW RIGHTS IMPLIED IN THE FIRST,FIFTH,SIXTH,SEVENTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION,AND BY 28 USC # 1331,WHICH HOLDS THAT A PARTY HAVING BEEN CHARGED WITH VIOLATION OF A FEDERAL STATUTE SHALL HAVE THE RIGHT TO A SPEEDY TRIAL WITH REPRESENTATION BY LEGAL COUNSEL.

CONCISE SUMMARY-2.

THIS PETITION FOR AN ORDER REQUIRING THE DISTRICT COURT TO AFFORD THIS DISABLED,UNEMPLOYED,INDIGENT PRO SE A CIVIL CONTEMPT TRIAL--DOCUMENTS THAT CERTAIN DISTRICT COURT JUDGES ARE GUILTY OF CONSPIRACY AND OF CERTIFYING KNOWN TO BE PERJURED STATEMENTS REVELANT TO THIS PRO SE TO THE FIFTH CIRCUIT COURT OF APPEALS AND WE ALSO DOCUMENT THAT THE FIFTH CIRCUIT HAS COVERED UP THE DISTRICT COURT'S CONSPIRACY AND ACCEPTANCE OF A BRIBE IN FAVOR OF THE DEFENDANTS AND ADVERSELY TO THIS PRO SE. A JUDGE KNOWN TO BE GUILTY OF ACCEPTING A BRIBE AND OF CONSPIRACY IS A CRIMINAL AND SHOULD BE REMOVED FROM THE FEDERAL JUDICARY BENCH.

THIS BRIEF USES THE FORM REQUIRED BY U.S.APPEALS COURT,D.C.CIRCUIT WHEN APPEALING FROM THAT COURT TO THE SUPREME COURT.SEE,U.S.COURT OF APPEALS RULES,28 U.S.C.A. SEE,PAGE # 272.

STATEMENT OF QUESTIONS INVOLVED-3.

1. HAS A PARTY BEEN AFFORDED DUE PROCESS WHEN A FEDERAL JUDGE DEFRAUDS HIM OF HIS "PROPERTY RIGHT",A JOB,FOR A BRIBE?

(a). PETITIONER CONTENDS THAT BY THIS LATE DATE AT LEAST ONE OF FIVE FEDERAL DISTRICT COURT JUDGES INVOLVED SHOULD HAVE ANSWERED THIS QUESTION,BUT THEY REFUSE TO EVEN ACKNOWLEDGE THIS CLAIM ON - WHICH RELIEF IS GROUNDED.

(b) NOW,THE JUDGES EMPLOY A FEDERAL CONSPIRACY TO COVER UP FOR THE JUDGE GUILTY OF DEFRAUDING ME OF MY EMPLOYMENT IN THE ABSENCE OF DUE PROCESS.

2. IS'NT A JUDGE GUILTY OF CONSPIRACY AND HAS'NT HE BEEN BRIBED WHEN HE PERMITS THE DEFENDANTS TO A PROCEEDINGS CONTROL TWO (2) FEDERAL COURT JUDGMENTS VIA MEANS OF A FRAUDULENT PRE-TRIAL ORDER?

(a). THE DISTRICT COURT REFUSES TO ACKNOWLEDGE THIS CLAIM MUST LESS ENTER A RULING THEREON.

(b). THE FIFTH CIRCUIT REFUSED TO ENTER A RULING ON THE GROUND THAT APPEAL WAS THREE (3) DAYS LATE FROM BEING FILED TIMELY.

(c) NO ATTORNEY REPRESENTED US IN THE CASES IN WHICH THE JUDGE "RIPPED US OFF"WITH A FRAUDULENT PRE-TRIAL ORDER,BUT THE JUDGE'S FINAL ORDERS FOR THOSE CASES STATED THAT WE WERE REPRESENTED BY "LEGAL COUNSEL".

3. IS'NT A JUDGE GUILTY OF HAVING ACCEPTED A BRIBE FROM THE DEFENDANTS WHEN HE FAVORS THEM WITH A FRAUDULENT ORDER STATING THAT,"ALL PARTIES WERE REPRESENTED BY LEGAL COUNSEL,INCLUDING THE PLAINTIFF, PRO SE?"

(a) BOTH THE DISTRICT AND APPELLANT COURTS REFUSED TO ENTER A RULING ON OUR CLAIM THAT NO LAWYER REPRESENTED US WITH THE TWO CASES REFERRED TO ABOVE,SPECIFICALLY,CASES NOS.C78-31-N & C78-47-N.

(b) IT IS OUR CONTENTION THAT THE COURTS SHOULD HAVE EITHER - ADMITTED OR DENIED OUR CLAIM THAT NO LAWYER REPRESENTED US.

4. DOES'NT FED R CIV P RULE 56(c),SUBD.(e) REQUIRE A PARTY SERVED A SUMMARY JUDGMENT MOTION TO ANSWER BY CONTROVERTING SAME?

(a) THE COURT(S) REFUSED TO ENTER A RULING .

(b) THE PETITIONER CONTENDS THAT FEDERAL LAW DOES REQUIRE THAT A SUMMARY JUDGMENT MOTION BE CONTROVERTED BY THE MOVANT AND LOCAL - RULE 91.2 MAKES THAT REQUIREMENT,AS WELL AS THE LAW CITED.

(c) THE PETITIONER ARGUES THAT THE BRIBE PAID THE FEDERAL - JUDGE ALSO PAID FOR HIS FRAUDULENT RULING THAT A SUMMARY JUDGMENT MOTION DID NOT HAVE TO BE DEFENDED REVELANT TO CASES NOS.C78-31-N, & C78-47-N.

5. DOES A JUDGE HAVE THE POWER TO QUASH ALL SUBPOENAES FOR THIS PRO SE'S WITNESSES?

(a) THE COURT WITH JURISDICTION OVER CASE NO.C79-106-N REFUSED TO ENTER A RULING UPON THIS DENIAL OF DUE PROCESS REVELANT TO CASES NOS.C78-31-N & C78-47-N WHICH WERE TRIED TOGETHER.

(b) WE CONTEND THAT THE SIXTH AMENDMENTS GUARANTEE OF COMPULSORY PROCESS AFFORDED US THE RIGHT TO CALL WITNESSES. DENIAL OF SAID RIGHT AND COVER UP SHOWS CONSPIRACY.

6. DOES A JUDGE HAVE THE POWER TO RULE THAT A PRO SE CANNOT UTLIZE DOCUMENTS AT TRIAL FOR CASES NOS.C78-31-N & C78-47-N WHICH WERE CERTIFIED BY THE COURT CLERK TO BE COPIES FROM THE ORIGINAL RECORD REVELANT TO THIS MATTER?

(a) THE COURT CONTROLLING CASE NO.C79-106-N IGNORED THIS - CLAIM OF DENIAL OF DUE PROCESS AND DID NOT ENTEF A RULING UPON SAME.

(b) WE CONTEND THAT THE COURT, INCLUDING THE APPEALS COURT - SHOULD HAVE ENTERED A RULING UPON THIS DOCUMENTED DENIAL OF DUE -- PROCESS.

7. DOES A JUDGE HAVE THE POWER TO ISSUE AN ORDER REQUIRING THE DEFENDANTS TO MAKE US A CONSENT JUDGMENT OFFER FOR CASE NO.C79-106N AND THEN NEVER ENFORCE OR VACATE IT BEFORE HE TERMINATES SAID CASE?

(a) THE COURT WITH JURISDICTION OVE CASE NO.C80-1236-A REFUSED TO MAKE SUCH A FINDING THAT THE ORDER WAS VALID UNTIL ADJUDICATED OR VACATED.

(b) WE CONTEND THAT HAD SAID CONSENT JUDGMENT ORDER BEEN ISSUED TO A CLIENT WITH LEGAL COUNSEL THAT SAID ORDER WOULD HAVE BEEN ENFORCED BY THE COURT.CONSPIRACY NOT TO ENFORCE AND FOR COURT WITH CASE NO.C80-1236-A NOT TO REQUIRE ITS ENFORCEMENT.REQUIRED, RULE 68.

8. WHEN A PARTY TO AN ONGOING TRIAL CONTENDS THAT A SPECIFIC HEARING RECORD COMPILED BY A STATE EDUCATION COMMISSION IS A FRAUD DOES THE COURT HAVE THE POWER TO RULE THAT SAID RECORD CANNOT BE BROUGHT INTO THE COURT-ROOM?

(a) THE COURT WITH JURISDICTION OVER CASE NO.C79-106-N REFUS-- ED TO ENTER A RULING AS TO WHETHER THIS PRO SE WAS DENIED DUE PROCESS AT "TRIAL?" OF CASES NOS.C78-31-N & C78-47-N WHEN CASE NO.C78-47-N ALLEGED THAT THE RECORD WAS A FRAUD.

(b) WE CONTEND THAT THE DISTRICT AND APPELLATE COURTS SHOULD HAVE RULED THAT WE COULD'NT SHOW THAT A RECORD WAS A FRAUD SINCE WE WERE DENIED ACCESS TO THE ALLEGED RECORD.

9. DO DISTRICT COURT JUDGES HAVE IMMUNITY FROM PROSECUTION WHEN EVIDENCE SHOWS THEY ARE GUILTY OF BEING DISHONEST AND OF MALFESANCE IN OFFICE REVELANT TO THEIR COVER UP WITH CASES NOS.C79-106-N AND C 80-1236-A.

(a) NO RULING.

(b) WE CONTEND THAT IF THE SAME EVIDENCE WERE AVAILABLE TO A LAWYER THAT HE WOULD HAVE SUCCEEDED IN A CHANGE OF VENUE MOTION FOR

9. (b) BOTH CASES NOS.C79-106-N AND C80-1236-A.NO LAWYER REPRESENTED US AND SO BOTH CASES WERE DISMISSED.

(c) THE FIFTH CIRCUIT COVERED UP FOR THE DISTRICT COURT BY REFUSING TO ACCEPT APPEALS ON THE FALSE GROUNDS THAT APPEALS WERE"NOT TAKEN IN GOOD FAITH"AND"WERE NOT TIMELY"

10. DOES A FEDERAL COURT HAVE THE POWER TO TAKE MY PROPERTY RIGHT WITHOUT FIRST HAVING COMPENSATED ME?

(a) THE COURTS REVELANT TO CASES NOS.C79-106-N & C80-1236-A IGNORED THIS CLAIM FOR WHICH RELIEF COULD BE GROUNDED.

(b) WE CONTEND THAT THE COURTS SHOULD HAVE CLEARED UP THIS MAJOR ALLEGATION.DEMONSTRATION OF USE OF FEDERAL POWER BEING ABUSED.

(c) THE FIFTH CIRCUIT REFUSED TO RULE UPON THIS CLAIM ON THE GROUND THAT OUR PLEADINGS WERE "ALMOST UNINTELLIGIBLE" AND THUS, THE RULING WAS THAT"WE CAN'T RULE ON CLAIMS WHICH ARE NOT CAPABLE OF BEING INTERPRETED" SUCH A FRAUDULENT RULING IS A COVER UP.

11. DOES A DISTRICT COURT HAVE POWER TO VIOLATE FEDERAL RULE 56 (c),SUBD.(e) BY DISMISSING CASE NO.C79-106-N 16 DAYS AFTER WE HAD FILED A SUMMARY JUDGMENT MOTION AND WHEN THE DEFENDANTS RESPONSES HAD MADE NO EFFORT TO CONTROVERT SAID MOTION? CHEATED BY A JUDGE.

(a) THE COURT HAS NEVER EVEN MENTION THAT WE FILED A NON-CONTROVERTED SUMMARY JUDGMENT MOTION.

(b) WE CONTEND THAT THE FEDERAL AND LOCAL RULES REQUIRED THE COURT TO ENTER A RULING UPON OUR NON-CONTROVERTED SUMMARY JUDGMENT MOTION.CONSPIRACY DEMANDED "NO RULING"

(c) DENIED A RULING BY THE FIFTH CIRCUIT."UNINTELLIGIBLE"

12. DID THE DISTRICT COURT JUDGE HAVE THE POWER TO FALSELY STATE IN HIS PRETIRIAL CONFERENCE ORDER FOR CASES NOS.C78-31-N & C78-47-N THAT;"ALL PARTIES WERE REPRESENTED BY LEGAL COUNSEL,INCLUDING(THIS) THE PLAINTIFF,PRO SE?" ONE CAN'T BE A PRO SE IF WITH LEGAL COUNSEL.

(a) THREE OTHER DISTRICT FEDERAL COURT JUDGES HAVE NOW CONSPIRED TO COVER UP THE CONSPIRACY OF"THAT JUDGE"WITH THE DEFENDANTS.

(b) THE COURT(S) REFUSE TO RULE ON THIS DENIAL OF DUE PROCESS.

(c) NO LAWYER HAS REPRESENTED THIS PRO SE DURING THE FOUR YEARS THAT HE HAS BEEN TRYING TO BE COMPENSATED FOR THE COURT TAKING MY PROPERTY RIGHT WITH A FRAUDULENT ORDER.ORDER NO.C77-6-N.

(d) THE FIFTH CIRCUIT COVERED UP THIS CONSPIRACY BY RULING "MOTION WAS NOT TIMELY" AND WAS "ALMOST UNINTELLIGIBLE"

(e) WE CONTEND THAT THE COURT WITH CASES NOS.C79-106-N & C80-1236-A WOULD HAVE RULED ON THIS CONSPIRACY EVIDENCE IF A LAWYER HAD PRESENTED SAME EVIDENCE.

13. DOES A DISTRICT COURT JUDGE HAVE THE POWER TO IGNORE EVERY, AND I DO MEAN "EVERY"CLAIM SET FORTH ON WHICH RELIEF IS GROUNDED IN ORDER TO DISMISS CASE NO.C79-106-N,A PRO SE COMPLAINT?

(A) THE COURT WITH JURISDICTION OVER CASE NO.C80-1236-A REFUSED TO RULE EITHER "YES" OR "NO" ON THIS CLAIM AND CONSPIRACY EVIDENCE.

12.(b) THE FIFTH CIRCUIT REFUSED TO RULE ON THIS DENIAL OF DUE PROCESS ON THE FRAUDULENT GROUNDS THAT SAID "APPEAL WAS NOT TIMELY" AND WAS "ALMOST UNINTELLIGIBLE" COVER UP.

(c) WE CONTEND THAT THE COURTS SHOULD HAVE RULED ON OUR CLAIM THAT THE COURT WITH CASE NO.C79-106-N CONSPIRED AGAINST US FOR BENEFIT OF DEFENDANTS AND ANOTHER FEDERAL COURT JUDGE.

(d) IS DISTRICT COURT JUDGE,ROBERT L.VINING,JR.,BEING HONEST WHEN HE NOW CLAIMS THAT WE HAVE REPEATEDLY TRIED TO RE-LITIGATE ISSUES ALREADY ADJUDICATED WHEN THE COURT ACCEPTS AS TRUE SUB SECTIONS (B) AND (c) OF THIS "INVOLVED QUESTION" AS TRUE?

13. DIS THE FIFTH CIRCUIT COURT OF APPEALS HAVE THE POWER TO ISSUE AN ORDER FALSELY SHOWING THAT WE HAD PERFECTED AN APPEAL FOR -- CASES NOS.C78-31-N & C78-47-N WHEN IN FACT WE HAD NOT DONE SO?

(a) THE DISTRICT COURT REFUSED TO RULE ON THIS CLAIM OF COVER UP AND CONSPIRACY WHICH WE DOCUMENTED WAS DONE SO THAT THE FIFTH CIRCUIT,COULD AS IT DID, COME TO THE RESCUE OF DEFENDANTS AND DISTRICT FEDERAL COURT JUDGES.

(b) THE COURTS WITH CASES NOS.C79-106-N AND C80-1236-A SHOULD HAVE RULES "YES" OR "NO"PER COVER UP BUT SINCE IT MADE NO SUCH RULING THEIR SILENCE IS WORTH MORE THAN A THOUSAND WORDS.

(c) SUCH DOCUMENTED EVIDENCE CAUSED BOTH CASES TO BE FRAUDULENTLY DISMISSED.

14. DID THE COURT REVELANT TO CASE NO.C79-106-N HAVE THE POWER TO FRAUDULENTLY DISMISS THAT CASE SOLELY BECAUSE WE DEMANDED THAT THE LAWYER WHOM THE PREVIOUS COURT AND SAME DEFENDANTS CLAIMED REPRESENTED US IN CASES NOS.C78-31-N & C78-47-N BE PRODUCED?

(a) NEITHER THE COURT REVELANT TO CASES NOS.C79-106-N & C80-1236-A SUPPORTED OUR RIGHT TO DEMAND THAT SAID LAWYER BE PRODUCED.

(b) THE APPEALS COURT RULED "NOT TIMELY"AND "ALMOST UNINTELLIGIBLE" AND COVERED UP.CONSPIRACY.

(c) WE CONTEND THAT THE LAWYER SHOULD HAVE BEEN PRODUCED.

(d) I HAD THE CONSTITUTIONAL DUE PROCESS RIGHT TO FORCE THIS ISSUE INTO THE "OPENING"TO SHOW THAT A FEDERAL JUDGE ACCEPTED A -- BRIBE IN EXCHANGE FOR FAVORABLE JUDGMENTS REVELANT TO CASES NOS.C78-31-N & C78-47-N.HE ALSO SOLD A FAVORABLE JUDGMENT FOR ORDER NO.C77-6 N.

15. WHEN THE COURT FRAUDULENTLY DISMISSED CASE NO.C79-106-N WITH NO EFFORT TO ADJUDICATE OR VACATE IT'S ORDER FOR A CONSENT JUDGMENT ISSUED ON MARCH 5,1980,OR TO ADJUDICATE OUR CLAIMS SET FORTH IN A SUMMARY JUDGMENT MOTION SERVED ON MARCH 4,1980,DID THE COURT HAVE THE POWER TO TACK ON TO SAID DISMISSAL ORDER AN ORDER DEMANDING SUPPRESSION OF EVIDENCE THAT NO LAWYER REPRESENTED US WITH CASES NOS.C 78-31-N AND C78-47-N.

(a) THE COURT WITH JURISDICTION OVER CASE NO.C80-1236-A DID NOT RULE THAT THE COURT HAD NO SUCH POWER,BUT RULED OTHERWISE,AND

15. THUS,CASE NO.C80-1236-A WAS NEVER "OFFICALLY FILED"AND NO -- PARTY NAMED AS A DEFENDANT WAS SERVED A SUMMONS AND COPY OF CASE NO. C80-1236-A. COVER UP.CONSPIRACY.

(b) WE CONTEND THAT THE COURT SHOULD HAVE RULED THAT THE SUPPRESSION ORDER "WAS OF NO LEGAL EFFECT"

(C) THE FIFTH RULED"NOT TIMELY" & "ALMOST UNINTELLIGIBLE"

(d) IF A PERSON MURDERS JOHN DOE ON FEBRUARY 15,1981 AND THE WARRANT FOR HIS ARREST ALLEGES THAT THE MURDER WAS AN ACT COMMITTED ON FEBRUARY 18,1981 DOES DOE GO FREE ON THE GROUNDS THAT THE WARRANT "IS NOT TIMELY" NOT HARDLY,JUDGE HILL OF THE FIFTH CIRCUIT.

16. HAS A PRO SE VIOLATED A VALID ORDER WHEN HE IGNORES CITED "SUPPRESSION ORDER" AND FILES CASE NO.C80-1236-A TO CLAIM HIS RIGHT TO SUMMARY JUDGMENT FOR CASE NO.C79-106-N AND TO THE CONSENT JUDGMENT ORDERED FOR THAT CASE?

(a) THE COURT WITH JURISDICTION OVER CASE NO.C80-1236-A RULED THAT THE "SUPPRESSION ORDER"WAS VALID AND THUS DISMISSED CASE NO.C80-1236-A BEFORE IT WAS EVER SERVED ON A DEFENDANT.

(b) JUDGE HILL RULED "MOTION UNTIMELY"AND "ALMOST UNINTELLIGIBLE"REVELANT TO A MOTION TO PERMIT CASE NO.C80-1236-A BE FILED & SERVED.

(c) WE CONTEND THAT THE "SUPPRESSION ORDER WAS NOT LEGAL OR VALID.DISMISSAL OF CASE NO.C80-1236-A CHEATED US OUT OF A $ 65.00 FILING FEE AND THE RIGHT TO THE JUDGMENT FOR CASE NO.C80-1236-A.

17. SINCE NO NAMED DEFENDANT WAS EVER SERVED A COPY OF CASE NO. C80-1236-A HOW DID JUST ONE SPECIFIC LAWYER HAPPEN TO LEARN THAT WE WERE TRYING TO FILE CASE NO.C80-1236-A AND HAVE IT SERVED UNLESS HE WAS A MEMBER OF THE FEDERAL CONSPIRACY EMPLOYED AGAINST THIS PRO SE FOR THE PAST FOUR (4) YEARS TO DENY US COMPENSATION FOR HAVING CONFISCATING OUR PROPERTY RIGHT?

(a) JUDGE JAMES HILL OF THE FIFTH CIRCUIT REFUSED TO RULE ON THIS CONSPIRACY EVIDENCE ON THE GROUNDS THAT OUR MOTION"WAS NOT TIMELY" AND "WAS ALMOST UNINTELLIGIBLE"COVER UP.

(b) WE CONTEND THAT JUDGE HILL HAS SIGNALED TO THE DISTRICT COURT THAT "ANY-THING GOES AGAINST A PRO SE"

18. DOES A DISTRICT COURT HAVE POWER TO GRANT DEFENDANTS PERMANENT INJUNCTIVE RELIEF ON THE SOLE BASIS OF UNSWORN ALLEGATIONS WHEN THOSE ALLEGATIONS ARE CONTROVERTED BY AFFIDAVIT?

(a) THE COURT WITH CONTROL OVER CASE NO.C80-1236-A RULED"YES"

(b) JUDGE HILL RULED"MOTION FOR AN ORDER NOT TIMELY AND ALMOST UNINTELLIGIBLE,MOTION DISMISSED"

19. HAS THIS PRO SE BEEN AFFORDED A "PROPER TRIAL",AS CLAIMED BY DISTRICT COURT JUDGE VINING,WHEN THE HEARING RECORD REVEALS THAT HE WAS CONVICTED AS THE AUTHOR OF 127 DOCUMENTS SAID TO BEAR HIS SIGNATURES ,BUT WHICH THE SAME RECORD SHOWS THAT HE WAS NOT CONFRONTED

19. ON CROSS EXAMINATION.

(a) JUDGE VINING'S RULING IS NOT SUPPORTED BY THE HEARING RECORD.

(b) CONFRONTATION ON CROSS EXAMINATION REVELANT TO SUCH EVIDENCE IS A FUNDAMENTAL ELEMENT OF DUE PROCESS.

(c) JUDGE HILL RULED FOR THE FIFTH CIRCUIT;"MOTION NOT TIMELY AND ALMOST UNINTELLIGIBLE;" "MOTION DISMISSED;"

20. DOES A DISTRICT FEDERAL COURT JUDGE HAVE THE POWER TO LEGALLY ISSUE ON AUGUST 7,1980 AN ORDER TO "SHOW CAUSE WHY YOU SHOULD NOT BE JUDGED IN CONTEMPT (DID NOT SPECIFY "CIVIL"OR CRIMINAL") OF THIS COURT" AND THEN IGNORE FOUR (4) MONTIONS SEEKING A "SHOW CAUSE TRIAL; WITH OR WITHOUT COUNSEL?

(a) JUDGE HILL RULED FOR THE FIFTH CIRCUIT;"MOTION FOR AN ORDER MANDATING A TRIAL NOT TIMELY AND ALMOST UNINTELLIGIBLE;" "MOTION DISMISSED.

(b) JUDGE HILL SHOULD HAVE RULED THAT THE FIFTH AND SIXTH AMENDMENTS ASSURES A PARTY CHARGED WITH HAVING VIOLATED A FEDERAL STATUTE "A SPEEDY TRIAL WITH COUNSEL;" HE DID NOT-BUT HE DID COVER UP FOR THE DISTRICT COURT.

21. DOES JUDGE VINING HAVE THE POWER TO DENY US A CONTEMPT TRIAL, WHETHER CIVIL OR CRIMINAL WE CAN'T SAY BECAUSE THE CITATION DOES NOT SPECIFY,AND THEN ENTER AN ORDER JUDGING US TO BE IN CONTEMPT?

(a) JUDGE HILL SHOULD HAVE RULED ON THIS QUESTION SHOWING A DENIAL OF DUE PROCESS,BUT HE DID NOT.

22. IS JUDGE VINING BEING HONEST WHEN HE ASSERTS IN HIS ORDER JUDGING US TO BE GUILTY OF "CIVIL?" OR "CRIMINAL?" CONTEMPT OF COURT THAT HE LACKS THE POWER TO PUNISH US FOR HAVING"VIOLATED A VALID - ORDER OF THIS COURT?"

(a) JUDGE HILL REFUSED TO RULE ON JUDGE VINING'S FRAUDULENT ASSERTION. COVER UP TO KEEP US FROM SHOWING THE FEDERAL CONSPIRACY AND TO FORCE PRODUCTION OF "THAT LAWYER"WHOM THE COURT FRAUDULENTLY ASSERTED REPRESENTED US WITH CASES NOS.C78-31-N & C78-47-N.

(b) WE CONTEND THAT JUDGE HILL SHOULD HAVE RULED THAT A FEDERAL COURT DOES HAVE POWER TO ENFORCE ITS ORDERS.JAIL AND/OR A FINE.

23. WHEN THE DISTRICT JUDGE,ROBERT VINING,FOUND US GUILTY OF CONTEMPT OF HIS COURT WITHOUT A TRIAL OR COUNSEL AND THEN FRAUDULENTLY CERTIFIES TO TO THE FIFTH CIRCUIT COURT OF APPEALS THAT WE FAILED TO APPEAR FOR A CONTEMPT? TRIAL DOES'NT SUCH PERJURY DISQUALIFY HIM?

(a) JUDGE HILL RULED THAT KNOWN CERTIFIED PERJURY BY A JUDGE DID NOT DISQUALIFY HIM.NO,THIS TIME THE MOTION WAS NOT RULED"UNINTELLIGIBLE"OR "TOO LATE;" COVER UP FOR JUDGE VINING'S CONSPIRACY WITH THE DEFENDANTS AND TO PROTECT THREE (3) OTHER FEDERAL JUDGES FROM BEING JUDGED GUILTY OF"MALFESANCE IN OFFICE"-WHICH WE WILL SHOW IF THIS COURT NOW AFFORDS US A "SHOW CAUSE TRIAL"WITH OR WITHOUT LEGAL COUNSEL.

24. IS'NT IT A KNOWN FACT TO BOTH JUDGES VINING AND HILL THAT IF I HAD IN FACT REALLY FAILED TO APPEAR FOR A COURT ORDERED "SHOW CAUSE" TRIAL" THAT JUDGE VINING HAD THE POWER TO ISSUE A BENCH WARRANT FOR MY ARREST AND TO KEEP IN CUSTODY UNTIL TRIAL FOR CRIMINAL CONTEMPT?

(a) JUDGE HILL MADE NO RULING WHETHER I COULD HAVE BEEN ARRESTED OR NOT.HE SIMPLY RULED THAT CERTIFIED PERJURY BY A JUDGE DOES NOT AMOUNT TO DISHONESTY OR MALFESANCE IN OFFICE.

(b) WE CONTEND THAT JUDGE HILL SHOULD HAVE FOUND THAT WHEN A THIRD PARTY LIES FOR A SECOND PARTY THAT THE THIRD AND SECOND PARTIES ARE GUILTY OF CONSPIRING AGAINST THE FIRST PARTY.

(c) JUDGE VINING SIMPLY LIED WHEN HE KNOWINGLY CERTIFIED PERJURY TO THE FIFTH CIRCUIT TO BE THE "TRUTH"

25. IS'NT SUCH PERJURY UTILIZED FOR BENEFIT OF THE DEFENDANTS SO THAT JUDGE VINING CAN FALSELY ASSERT,"THE DEFENDANTS APPEARED FOR THE COURT ORDERED "SHOW CAUSE TRIAL",BUT THE PRO SE DID NOT?"

(a) JUDGE HILL MADE NO RULING ON THIS CLAIM FOR THE FIFTH -- CIRCUIT BECAUSE OUR MOTION WAS"NOT TIMELY"AND WAS"ALMOST UNINTELLIGIBLE"

(b) WE CONTEND THAT JUDGE HILL WOULD HAVE RULED ON JUDGE -- VINING'S CERTIFIED PERJURY HONESTLY EXCEPT FOR THE FACT THAT THE FIFTH CIRCUIT IS INVOLVED IN THIS FOUR YEAR OLD FEDERAL CONSPIRACY TO PROTECT THE DISTRICT COURT JUDGE WHO TOOK A BRIBE TO LET THE DEFENDANTS CONTROL THE JUDGMENTS BEFORE TRIAL FOR CASES NOS.C78-31-N AND C78-47-N. THAT SAME JUDGE HAS PREVIOUSLY SOLD THE DEFENDANTS A FAVORABLE JUDGMENT FOR CASE NO.C77-6-N WITHOUT A PRETRIAL CONFERENCE, OR HEARING,OR TRIAL.

26. IS'NT IT A FACT THAT THE REFUSAL OF THE JUSTICE DEPARTMENT TO INVESTIGATE THE CONSPIRACY AND BRIBE CHARGE TO DETERMINE THE NAME OF "MY LAWYER"APPEARING WITH CASES NOS.C78-31-N & C78-47-N SHOWS A -- COVER UP SINCE MY AFFIDAVIT WAS NEVER ANSWERED BY A JUSTICE DEPT. OFFICER.

(a) ALL COURTS GIVEN THIS CLAIM HAVE IGNORED IT.

(b) WE CONTEND THAT THE COURT WITH JURISDICTION OVER CASE NO. C80-1236-A AND JUDGE HILL SHOULD HAVE RULED UPON THIS ISSUED QUESTION.

STATEMENT OF CASE- 4.

FOUR (4) DISTRICT FEDERAL JUDGES HAVE FOR FOUR (4) YEARS EMPLOYED A CONSPIRACY TO COVER UP THE FACT THAT ANOTHER FORMER DISTRICT FEDERAL JUDGE CONSPIRED WITH THE DEFENDANTS FOR A BRIBE TO WRITE FOR - THEM THREE (3) FRAUDULENT FAVORABLE JUDGMENTS,SPECIFICALLY,JUDGMENTS FOR CASES NOS.C77-6-N,C78-31-N & C78-47-N AND TO FRAUDULENTLY SHOW IN THOSE FRAUDULENT JUDGMENTS THAT AN ATTORNEY PROTECTED OUR RIGHT TO DUE PROCESS WHEN IN FACT NO ATTORNEY DID REPRESENT US IN EITHER OF THOSE CASES. THE FIFTH CIRCUIT COURT OF APPEALS ISSUED FRAUDULENT ORDERS ON SEPTEMBER 28,AND NOVEMBER 29,1979 FOR THE SPECIFIC PUR-- POSES OF COVERING UP FOR BOTH THE DISTRICT COURT AND DEFENDANTS. JUDGE HILL MADE ONLY ONE RULING REVELANT TO THIS MATTER IN 1980.HIS

STATEMENT OF CASE----4.

SOME OF THE DISTRICT FEDERAL JUDGES AND OTHER FEDERAL COURT EMPLOYEES SPREAD THE VICIOUS RUMOR THAT WE WERE NOT MENTALLY COMPETENT TO HELP A LAWYER PREPARE A DEFENSE AGAINST CONTEMPT? CHARGES AS THE IMPLIED REASON WHY JUDGE VINING FOUND US GUILTY WITHOUT A TRIAL.WE MADE THE WRITTEN OFFER TO SUBMIT TO A MENTAL EXAMINATION BY ANY -- DOCTOR SELECTED BY THE COURT BUT OUR OFFER WAS IGNORED.MY FOUR (4) YEAR BATTLE WITH THE FEDERAL COURT FOR JUSTICE HAS FORCED ME INTO BANKRUPTCY AS OF JULY 24,1980.

THE REAL REASON WHY JUDGES VINING AND HILL DENIED US A CONTEMPT? TRIAL WAS THAT A TRIAL WOULD HAVE EXPOSED THE DISHONEST JUDGE WHO SOLD THREE JUDGMENTS,SPECIFICALLY FOR CASES NOS.C77-6, C78-31-N AND C78-47-N.

SUMMARY OF ARGUMENT--5.

1.

A DISTRICT COURT FEDERAL JUDGE CONSPIRED FOR A BRIBE WITH STATE EDUCATION OFFICERS AND PRIVATE CITIZENS(FIVE LAWYERS) TO CONFISCATE OUR PROPERTY RIGHT WITH THE TROUP COUNTY,LAGRANGE,GEORGIA,BD.OF ED. VIA ORDER NO.C77-6-N AFTER THE STATE COMMISSION HAD COMPILED A HEARING RECORD TO TERMINATE OUR EMPLOYMENT IN OUR ABSENCE.

2.

WE HAVE SET FORTH THE IMMEDIATE ABOVE CLAIM IN FIVE LAWSUITS BUT NO FEDERAL JUDGE WILL ADDRESS THAT CLAIM WITH EITHER"YES"OR "NO."

3.

THE JUDGES WILL NOT TOUCH THAT CLAIM BECAUSE BOTH THE STATE COMMISSION AND COURT FOUND US GUILTY OF PERJURY UNDER OATH FOR DENYING THAT WE WERE THE AUTHOR OF 127 EXHIBITS WHICH THE COMMISSION ACCEPTED,BUT THE RECORD REVEAL THAT WE DID NOT LIE BECAUSE WE WERE NOT CONFRONTED ON CROSS EXAMINATION REVELANT TO THOSE 127 DOCUMENTS.

4.

THEREFORE,PROCEEDING PRO SE,BUT NOT BY CHOICE,WE WERE THE VICTIM OF MORE FEDERAL CONSPIRACY WHEN WE TRIED TO INVALIDATE THE ORDER FOR CASE NO.C77-6-N BY FILING CASES NOS.C78-31-N AND C78-47-N.

5.

THE JUDGE SOLD THE DEFENDANTS FAVORABLE JUDGMENTS FOR BOTH CASES NOS.C78-31-N AND C78-47-N AND FRAUDULIZED THOSE ORDERS TO SHOW THAT AN ATTORNEY PROTECTED OUR FUE PROCESS RIGHTS WITH BOTH CASES NOS.C 78-31-N AND C78-47-N.NO LAWYER HAS YET REPRESENTED US IN THIS FOUR (4) YEAR FIGHT WITH THE FEDERAL GOVERNMENT.

6.

WE TRIED TO MOVE THE FIFTH CIRCUIT TO RULE THAT WE COULD NOT BE -- CONVICTED FOR PERJURY REVELANT TO THOSE 127 EXHIBITS SINCE OUR RECORDED TESTIMONY REVEALS THAT WE WERE NOT EVEN CONFRONTED WITH THEM ON CROSS EXAMINATION,BUT JUDGE HILL RULED,"MOTION NOT TIMELY"-

6.

"ALMOST UNINTELLIGIBLE" "MOTION DISMISSED"

7.

NOT ONLY DID THE DISHONEST JUDGE FALSELY CLAIM THAT A LAWYER REPRESENT US WITH CASES NOS.C78-31-N AND C78-47-N,BUT HE FALSELY --- STATED THAT SAID PHANTOM LAWYER APPEARED IN CHAMBERS ON JULY 26,1978 TO ARGUE FOR OUR RIGHT TO HAVE COPIES OF THOSE 127 EXHIBITS,BUT SAID THE BOUGHT JUDGE,HIS ARGUMENT DID NOT PREVAIL.THUS,NO DISCOVERY RIGHTS WITH THOSE TWO CASES.

8.

OUR ARGUMENT IS THAT IF AN ATTORNEY HAD IN FACT APPEARED FOR US ON JULY 26,1978,AS FALSELY CLAIMED,THEN LOCAL RULE NO.71.62 WOULD HAVE SAVED US FROM THE INTIMIDATION SUFFERED ON NOVEMBER 20,1978 WHEN THE DISHONEST JUDGE ORDERED US TO TRIAL WITH-NO- EVIDENCE PROCURED FROM THE STATE COMMISSION. NO,IN THAT CASE A LAWYER IS A FOOL.

9.

WE WERE ENTITLED TO SUMMARY JUDGMENT REVELANT TO CASE NO.C79-106N SINCE FED R CIV P RULE 56(c),SUBD.(e) REQUIRES THE MOVANT TO CONTROVERT SAID MOTION AND SUPPORTING AFFIDAVIT.LOCAL RULE NO.91.72 MAKES THE SAME REQUIREMENT.

10.

WE WERE ENTITLED TO CONSENT JUDGMENT FOR CASE NO.C79-106N SINCE THE COURT ISSUED SUCH AN ORDER ON MARCH 5,1980 WHICH WAS NEVER AL--TERED OR VACATED.

11.

A FEDERAL COURT CANNOT LEGALLY ORDER THE SUPPRESSION OF EVIDENCE WHICH SUPPORTS A PARTY'S CLAIM FOR RELIEF.

12.

IT IS INCUMBENT UPON THE OATH OF A JUDGE TO RULE ON EVIDENCE SHOWING THAT ANOTHER FEDERAL JUDGE ACCEPTED A BRIBE THEN CONSPIRED TO COVER UP THE FACT THAT HE HAD ALREADY SOLD THE JUDGMENT FOR CASE NO. C77-6-N.SINCE NO JUDGE WILL TOUCH THIS SPECIFIC CLAIM THEY HAVE -- VIOLATED THE OATH OF THEIR OFFICE.

13.

OUR ARGUMENT IS THAT REGARDLESS OF THE FACT THAT JUDGE VINING ENTERED AN ORDER ON OCTOBER 2,1980 FINDING US TO BE GUILTY OF CONTEMPT WITHOUT A TRIAL IS THAT WE DID NOT VIOLATE A VALID ORDER WHEN WE - IGNORED THE SUPPRESSION ORDER TACKED ON TO DISMISSAL ORDER FOR CASE NO.C79-106-N BY FILING ,OR TRYING TO FILE,WHAT WOULD HAVE BEEN CASE NO.C80-1236-A.CASE NO.C80-1236-A WAS AN EFFORT TO CLAIM THE SUMMARY JUDGMENT WHICH WE WERE CHEATED OUT OF BY THE COURT WITH CASE NO.C79-106-N. CASE NO.C80-1236-A WAS ALSO AN EFFORT TO CLAIM THE CONSENT

13.

JUDGMENT REVELANT TO CASE NO.C79-106-N WHICH THE COURT ORDERED ON MARCH 5,1980 THEN CHEATED US OUT OF BY DISMISSING THE ACTION BECAUSE IT WAS CLEARLY EVIDENT TO THE COURT THAT NOT A ONE OF NINE (9) DEFENDANTS WAS GOING TO CONTROVERT OUR MOTION FOR SUMMARY JUDGMENT SERVED ON MARCH 4,1980.NOTE DATES OF "MARCH 4,1980" AND "MARCH 5,1980. CHEATED! SAID CONSENT ORDER HAS NOT UNTIL THIS DATE BEING ADJUDICATED OR VACATED. A COMPETENT LAWYER WINS THE CONTEMPT CASE IF TRIED ON THE NON-VACATED ORDER FOR CONSENT JUDGMENT.

14.

OUR ARGUMENT IS THAT THE DISMISSAL ORDER FOR CASE NO.C79-106-N IS NOT A VALID ORDER AND IN A CIVIL CONTEMPT CASE,IF THAT'S THE CHARGES AGAINST US, A LAWYER OR A PRO SE WINS BY INVALIDATING "SUP-SUPPRESSION"ORDER; ORDER NO.C79-106-N.

15.

OUR ARGUMENT IS THAT WHEN A PARTY CITED FOR SOME TYPE OF CONTEMPT OF FEDERAL COURT FILES FOUR (4) MOTIONS SEEK COURT APPOINTED COUNSEL AND A TRIAL - BUT GETS NO RESPONSE,THE COURT CANNOT LEGALLY THEN JUDGE HIM TO BE IN CONTEMPT,AS JUDGE VINING HAS DONE,AND THEN ALSO SPREAD THE VICIOUS LIE THAT WE WERE NOT TRIED BECAUSE WE WERE NOT MENTALLY COMPETENT TO HELP A LAWYER PREPARE OUR DEFENSE SINCE WE HAD OFFERED IN WRITING TO SUBMIT FOR A MENTAL EXAMINATION.

16.

OUR ARGUMENT IS ALSO THAT JUDGE HILL OF THE FIFTH CIRCUIT SHOULD HAVE AFFORDED US OUR SIXTH AMENDMENT RIGHTS TO A SPEEDY TRIAL BY -- ORDERING A CONTEMPT TRIAL WITH COURT APPOINTED COUNSEL INSTEAD OF RULING THAT OUR MOTION FOR THOSE RIGHTS WAS "NOT TIMELY" AND WAS -- "ALMOST UNINTELLIGIBLE" A CONTEMPT TRIAL COMES DURING THE TERM OF COURT IN WHICH THE ACTION IS HEARD FROM WHICH SUCH CHARGES ARE FILED. SO,AN ACTION DISMISSED ON AUGUST 8,1980 AND A PARTY IS ORDERED TO SHOW CAUSE WHY FILING THAT ORDER IS NOT CONTEMPTIBLE WOULD HAVE BEEN HEARD IN AUGUST 1980 IF WE HAD HAD AN ATTORNEY TO FIGHT FOR OUR - RIGHTS.

17.

THE COURT REFUSES TO VACATE ITS ORDER JUDGING US TO BE IN CONTEMPT AND THEN AFFORD US A TRIAL BECAUSE IT KNOWS THAT WE WILL FORCE THE DEFENDANTS TO ADMIT UNDER OATH AT SAID CONTEMPT TRIAL THAT NO ATTORNEY REPRESENTED US REVELANT TO FEDERAL CASES NOS.C77-6-N,C78-31 N AND C78-47-N-REGARDLESS OF THE COURT'S ORDER(S) TO THE CONTRARY.

18.

OUR ARGUMENT IS ALSO THAT THE COURT NOW REFUSES TO AFFORD US A SHOW CAUSE TRIAL BECAUSE IT KNOWS THAT WE WILL SHOW DURING SAID -- TRIAL THAT DISTRICT COURT JUDGE,ROBERT L.VINING,JR.,CERTIFIED PERJURY ABOUT US TO THE FIFTH CIRCUIT COURT OF APPEALS AND THAT JUDGE HILL OF THE FIFTH CIRCUIT CONDONES SUCH MISCONDUCT SINCE HE RULED THAT SAID KNOWN TO BE PERJURY DID NOT DISQUALIFY JUDGE VINING.COVER UP.

WE HAVE A LEGAL RIGHT TO SHOW VIA A CONTEMPT TRIAL THAT DISTRICT COURT JUDGES ,CHARLES MOYE,JR., AND MARVIN SHOOB,CONSPIRED WITH A LAWYER TO INFLUENCE HIM TO FILE A SECRET EX PARTE MOTION TO DISMISS CASE NO.C80-1236-A AND TO QUASH SERVICE BY THE MARSHAL TO THE PARTIES NAMED AS DEFENDANTS. "THAT LAWYER"WAS A NAMED DEFENDANT ,BUT HE WAS NOT SERVED A SUMMONS AND COPY OF CASE NO.C80-1236-A,AND IF THE JUDGES DID NOT CONSPIRE WITH HIM HOW DID "THAT ONE LAWYER"KNOW THAT WE WERE TRYING TO FILE CASE NO.C80-1236-A AND TRYING TO HAVE IT SERVED ON HIM AND OTHER IDENTIFIED PARTIES?THERE'S NO ARGUMENT HERE BECAUSE ONLY THE JUDGES COULD HAVE INFORMED THAT "ONE LAWYER" CONSPIRACY AGAINST A PRO SE.COVER UP FOR THE DISHONEST JUDGE WHO - SOLD THREE (3) FAVORABLE JUDGMENTS.

20.

THE ARGUMENT REVELANT TO CASE NO.C80-1236-A IS THAT THE JUDGES STALLED FOR TIME TO DISPOSE OF THAT CASE BY UTILIZING THE LIE THAT OUR CHECK TO PAY THE FILING FEE WAS NOT PAYED BY THE BANK AND THAT LIE GAVE THE "ONE LAWYER" A WEEK TO FILE HIS SECRET EX PARTE MOTION TO VACATE CASE NO C80-1236-A. SO,THE COURT KEPT OUR $ 65.00 FILING FEE AND LIED THAT IT WAS NOT PAYED BY THE BANK.NOW,WE ARGUE IF TRIED FOR CONTEMPT THAT LIE WOULD DISCREDIT JUDGES SHOOB,MOYE,VINING,TIDWELL AND JUDGE JAMES HILL.COLLUSION,COVER UP,CONSPIRACY.

21.

THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT HAS -- FAILED TO HONOR ITS OATH REVELANT TO MATTERS STATED HEREIN BECAUSE THAT COURT HAS DEMONSTRATED BY ITS IN-ACTION THAT IT MUST PROTECT JUDGES GUILTY OF MALFEASANCE IN OFFICE IF SUCH MISCONDUCT WAS DIRECTED TOWARD A PRO SE.IT IS A DISGRACE FOR JUDGE HILL TO COVER UP THIS SORDID MESS BY RULING THAT HE CAN'T ACT BECAUSE OUR PLEADING WAS "NOT TIMELY" AND WAS "ALMOST UNINTELLIGIBLE" THERE IS NO TIME LIMIT PLACED ON THE EXPOSURE OF FRAUD UPON THE COURT.FED R CIV RULE 60(4).

22.

THE UNITED STATES DEPARTMENT OF JUSTICE IS GUILTY OF CONDONING MISCONDUCT BY FEDERAL EMPLOYEES AND SO DEMONSTRATED BY IGNORING OUR AFFIDAVIT ASKING FOR AN INVESTIGATION TO DETERMINE THE NAME OF "THAT LAWYER"WHOM THE COURT CLAIMED HAD REPRESENTED US REVELANT TO FEDERAL CASES NOS.C77-6-N,C78-31-N AND C78-47-N.

23.

OUR ARGUMENT IS THAT HAD A LAWYER ASKED THE JUSTICE DEPARTMENT FOR THE SAME INVESTIGATION HIS REQUEST WOULD HAVE BEEN GRANTED.

24.

INSTEAD OF THE U.S.ATTORNEY IN ATLANTA COVERING UP THIS FEDERAL JUDICARY BRIBERY AND CONSPIRACY,HE SHOULD HAVE ASKED THE FBI TO INVESTIGATE OUR EVIDENCE SUPPORTING THE ALLEGED FEDERAL CONSPIRACY.

25.

OUR ARGUMENT IS THAT THE U.S.ATTORNEY DID NOT INVESTIGATE THE EVIDENCE SET FORTH IN OUR AFFIDAVIT SERVED ON HIM BECAUSE HE FELT OBLIGATED TO COVER UP FOR THE FIVE (5) LAWYERS NAMED AS DEFENDANTS, ALONG WITH OTHERS, IN CASES NOS.C77-6-N,C78-47-N,C78-31-N,C79-106-N, AND C80-1236-A.

26.

WE ARGUE NOW THAT AT THIS LATE DATE THAT THE REASON JUDGE VINING REFUSES TO AFFORD US A CONTEMPT TRIAL WAS THAT IF SO AFFORDED THE -- COURT WOULD HAVE BEEN FORCED BY US TO PRODUCE TWO LAWYERS WHOM IT NOW CLAIMS HAVE APPEARED TO REPRESENT US REVELANT TO THESE MATTERS. PLEASE LET US EXPLAIN WHY "TWO LAWYERS" ONE JUDGE FALSELY CLAIMS THAT THAT OUR DUE PROCESS RIGHTS WERE PROTECTED BY LEGAL COUNSEL REVELANT TO CASES NOS.C77-6-N,C78-31-N AND C78-47-N,AND JUDGE VINING FALSELY CLAIMS AND SO CERTIFIED TO THE FIFTH CIRCUIT THAT WE FAILED TO APPEAR AT A COURT ORDERED CONTEMPT TRIAL AND HE MOST DEFINTELY WILL NOT TRY ME,WITHOUT A JURY,UNLESS AN ATTORNEY ALSO APPEARS TO REPRESENT ME. SO HIS IMPLICATION IS THAT A LAWYER,THE "SECOND PHANTOM LAWYER"USED BY THE COURT APPEARED TO DEFEND ME AGAINST CONTEMPT CHARGES.

27.

THE DISGRACEFUL MISCONDUCT OF THE JUDGES CITED IN THE FOREGOING WILL CAUSE GREAT HARM TO TO THE REPUTATION AND IMAGE OF EVERY FEDERAL JUDGE IN THIS NATION IF WE ARE NOW AFFORDED THE SECURED RIGHT TO A FULL,IMPARTIAL TRIAL REVELANT TO THE CONTEMPT CHARGES FILED AGAINST THIS PRO SE.

28.

THE UNITED STATES SUPREME COURT SHOULD PERMIT THIS APPEAL FOR AN ORDER REQUIRING BOTH THE APPELLATE AND DISTRICT COURTS TO AFFORD US A FULL,IMPARTIAL SHOW CAUSE TRIAL FOR CONTEMPT BECAUSE IF THIS COURT SWEEPS THIS FEDERAL BRIBERY AND CONSPIRACY"UNDER THE RUG" THE SAME DISHONEST FEDERAL JUDGES WILL BE FREE TO CONSPIRE AGAINST EVERY PRO SE PROCEEDING IN THEIR COURTS.

29.

TO SHOW THIS COURT THAT JUDGE VINING HAS JUDGED ME GUILTY OF CONTEMPT BOTH HE AND JUDGE HILL ORDERED THEIR CLERKS NOT TO ACCEPT ANY MORE PLEADING FILED BY US SEEKING A SHOW CAUSE TRIAL ON THE CONTEMPT CHARGES AND SUCH AN ORDER CLEARLY SHOWS THAT JUDGE VINING AND JUDGE HILL HAVE CONVICTED US AND CLOSED THEIR RECORDS ON THIS MATTER.SO, OUR ARGUMENT IS THAT COURTS DO NOT CLOSE THE RECORD ON A CASE IF IT IS STILL TO BE ADJUDICATED AFTER A TRIAL.THE U.S.SUPREME COURT SHOULD ORDER THE RECORD REVELANT TO THIS CONTEMPT MATTER RE-OPENED IN THE NAME OF JUSTICE AND INTEGRITY.

CLOSING THE RECORD DENIES OUR FIRST ADMENT RIGHT TO PETITION THE GOVERNMENT FOR REDRESS OF GRIEVANCES.

IT IS ALSO OUR ARGUMENT THAT THIS APPEAL SHOULD BE ALLOWED BE--- CAUSE A PRO SE WHO HAS BEEN FORCED BY A FEDERAL CONSPIRACY OVER THE PAST FOUR (4) YEARS TO SUFFER SUCH INDIGNITES AS TO MAKE HIS LIVING CONDITIONS INTOLERABLE AND LIFE SO BURDESOME IS ENTITLED TO RELIEF.

ARGUMENT-1.

THIS MATTER OF TERMINATING OUR 30 YEAR SERVICE RECORD WITH THE TROUP COUNTY BD.OF EDUCATION CAME ABOUT WHEN IN 1972 WE LEARNED -- THAT OUR FORMER WIFE WAS HAVING AN AFFAIR WITH SUPERINTENDENT AND DEFENDANT, OTIS J.ABERNATHY, AND WE "PHYSICALLY OBJECTED"

2.

THEN THERE WAS THE INCIDENT IN WHICH ABERNATHY AND PRINCIPAL AND DEFENDANT, RALPH JOHNSON, CONSPIRED TO LET A 14 YEAR OLD BOY WITHDRAW FROM SCHOOL TO GO TO WORK FOR HIS SELF EMPLOYED DADDY IN 1973 AND ABERNATHY AND JOHNSON WERE TOLD BY US THAT THEY HAD NO SUCH POWER ACCORDING TO GA.CODE STATUTES # # 32-2106-EXEMPTIONS;32-9913-COM- PULSORY SCHOOL ATTENDANCE LAW;VIOLATING RULES OF STATE BD.OF EDUCA- TION. IT WAS OUR DUTY TO ENFORCE BOTH LAWS.

3.

SO, THOSE TWO INCIDENTS MADE ABERNATHY DETERMINED THAT WE SHOULD BE FIRED.THUS, WE READ IN THE TRANSCRIPT REVELANT TO THIS MATTER THAT ABERNATHY AND FIVE (5) OF HIS SIX BOARD MEMBERS MET SECRETLY IN -- APRIL TO DETERMINE HOW TO TERMINATE THE 30 YEAR EMPLOYMENT OF THIS PARTY."MET SECRETLY IN APRIL 1974"

4.

ABERNATHY DID NOT TESTIFY IN MY PRESENT THAT HE HAD MET SECRETLY WITH EXECUTIVE OFFICERS OF THE GA.PROFESSIONAL PRACTICES COMMISSION IN APRIL 1974 TO DETERMINE HOW HE COULD FIRE US. NO! HE DID NOT.

5.

SO, IN SPITE OF THE FACT THAT ABERNATHY BROKE OFF ALL LINES OF COM- MUNICATIONS WITH US AFTER WE INSISTED THAT THE BOY RETURN TO SCHOOL IN OCTOBER 1973, HE CONTINUED HIS AFFAIR WITH OUR FORMER WIFE WHOM HE EMPLOYED.

6.

ABERNATHY BROKE HIS SELF IMPOSED SILENCE ON MAY 19,1975 TO INFORM US THAT SCHOOL YEAR 1975-1976 WOULD CONCLUDE OUR EMPLOYMENT WITH THE TROUP COUNTY BD.OF EDUCATION.

7.

IN SPITE OF THE FACT THAT I TRIED TO MEET WITH THE BOARD TO DIS- CUSS ABERNATHY'S THREAT THE BOARD REFUSED TO PERMIT ME TO COME BE- FORE IT TO DISCUSS THE THREAT. AFTER THE TELEPHONE CONVERSATION WITH ABERNATHY ON MAY 19,1975, ABERNATHY AGAIN WENT "OFF THE AIR"

8.

SO,ABERNATHY ADVISED US IN A ONE SENTENCE LETTER DATED APRIL 12, 1975 THAT: "YOUR EMPLOYMENT CONTRACT FOR SCHOOL YEAR 1975-1976 HAS NOT BEEN RE-NEWED." THAT'S ALL THAT WAS SAID.NO.REASON AND NO EVIDENCE. THEN I LEARN FROM THE RECORD THAT ABERNATHY SENT HIS ATTORNEY,DEFENDANT,JAMES LEWIS,A "BC" OF THAT ONE SENTENCE LETTER.

9.

WHY DID'NT ABERNATHY SEND A "CC" OF THAT LETTER TO LEWIS RATHER THAN A"BLIND COPY?" LEWIS KNEW THAT OUR EMPLOYMENT CONTRACT COULD [1] NOT BE TERMINATED ON APRIL 12,1975 UNLESS THE BOARD HAD PREVIOUSLY AFFORDED US A DUE PROCESS HEARING AND THAT WE HAD NOT HAD A HEARING BEFORE THE LOCAL BOARD OR ANY OTHER LOCAL OR STATE AGENCY ON APRIL 12,1975. "COULD NOT "LEGALLY"BE TERMINATED." [1]

10.

JUDGE VINING FALSELY ALLEGES THAT WE WERE AT THE ABOVE TIMES REPRESENTED BY AN ATTORNEY.WELL,YOUR HONOR,ABERNATHY DOES'NT FIRE ME WITH NO PRIOR HEARING AND A ONE SENTENCE LETTER IF I'M REPRESENTED BY LEGAL COUNSEL.

11.

OKAY.ABERNATHY GOT US FIRED WITHOUT SHOWING US HIS EVIDENCE OR STATING HIS REASONS,OR WITHOUT PERMITTING US TO COME BEFORE THE LOCAL SCHOOL BOARD.NOW,HE HAS TO KEEP US FIRED.

12.

SO,ABERNATHY GOES BACK TO THE GA.PROFESSIONAL PRACTICES COMMISSION AND ASKED THAT AGENCY TO AFFIRM HIS PRIOR ACTIONS.THE COMMISSION HEARS THE CASE ON JULY 16,1976 AT WHICH TIME ABERNATHY DID NOT SUBMIT ANY EVIDENCE,AND I MEAN NO EXHIBITS OR DOCUMENTS,OR ADVERSE TESTIMONY. "GOES BACK"SINCE HE WENT IN APRIL 1974.

13.

[2]

HOWEVER,WHEN COMMISSION EXECUTIVE DIRECTOR,HANS J.SCHACHT(SHOT), RELEASED THE HEARING RECORD IT SHOWED THAT ABERNATHY HAD SUBMITTED 127 EXHIBITS & DOCUMENTS AND THAT HE AND TWO WITNESS TESTIFIED THAT MY SIGNATURE APPEARED ON EACH 127 DOCUMENTS & EXHIBITS. [2]CONFLICT.

14.

COMMISSION HEARING EXAMINER,JOHN HINCHEY,THEN CITED 22 OF THOSE 127 EXHIBITS TO SUPPORT HIS FRAUDULENT ADVERSE FINDINGS AGAINST US INCLUDING THE SCANDALOUS LIE THAT WE LIED UNDER OATH BY REFUSING TO ADMIT THAT OUR SIGNATURES APPEARED ON THOSE EXHIBITS.

15.

HOWEVER,ABERNATHY AND HIS CROWD MADE ONE ERROR THAT CONVICTS -- THEM BEFORE WE DIE OF CONSPIRING TO VIOLATE MY CIVIL RIGHTS.THAT

15.

ONE SERIOUS ERROR WAS FORGETTING TO SHOW IN THE TESTIMONY ATTRIBUTED TO US THAT WE WERE CONFRONTED ON CROSS-EXAMINATION REVELANT TO ABERNATHY'S 127 FRAUDULENT,FORGED SIGNATURES. NOW,JUDGE VINING,NO LAWYER REPRESENTING THIS PRO SE CONSENTED TO THE COMMISSION ACCEPTING 127 EXHIBITS & DOCUMENTS AFTER THE PUBLIC HEARING ON JULY 16,1976 AND CHARGING THAT WE SIGNED EACH SINCE NO LAWYER PERMITS SUCH EVIDENCE UNLESS HIS CLIENT IS CONFRONTED WITH HIS SIGNATURES ON THOSE EXHIBITS & DOCUMENTS.

16.

WE READ FROM RALPHO V.BELL,U.S.C.A.CONST.AMENDS.5-14-569 F.2d607, 186 U.S.APP.D.C.-368,ON REHEARING 569F.2d 636,186 U.S.APP.D.C.397 THAT: "AN OPPORTUNITY TO MEET AND REBUT EVIDENCE UTILIZED BY AN ADMINISTRATIVE AGENCY IS A PRIMARY REQUISITE OF DUE PROCESS."

17.

SO,JUDGE VINING WHEN YOU FALSELY STATE IN YOUR ORDER DENYING US A CONTEMPT TRIAL THAT THE COMMISSION AFFORDED US A "PROPER TRIAL" YOU DID'NT SAY THAT A "PROPER TRIAL"REQUIRED THE COMMISSION TO PERMIT US THE "OPPORTUNITY TO MEET AND REBUT THOSE 127 SIGNATURES."THAT'S THE CORRECT NUMBER SHOWING IN THE TABLE OF CONTENTS OF THE RECORD.

18.

NEITHER DID YOU SAY,JUDGE VINING,THAT IF WE HAD BEEN REPRESENTED BY AN ATTORNEY BEFORE THE COMMISSION THAT HE WOULD HAVE INSISTED -- THAT WE HAD THE RIGHT TO BE CONFRONTED WITH THE 22 EXHIBITS SELECTED FROM THOSE 127 EXHIBITS BY THE HEARING EXAMINER TO TERMINATE OUR EMPLOYMENT."RIGHT OF CROSS EXAMINATION IS AN ELEMENT OF CONFRONTATION AND DUE PROCESS." SEE,U.S.C.A.CONST.5-6-14- BOND V.STATE OF OKL., 546 F.2D 1369.

19.

WE WILL TRY TO MAKE THE FACT CLEAR TO JUDGE HILL OF THE FIFTH -- CIRCUIT THAT ABERNATHY NOW CLAIMS THAT THE REPORT OF THE HEARING EXAMINER SUPPORTS HIS TERMINATION OF OUR EMPLOYMENT.IN OTHER WORDS, THE CHALLENGE NOW IS TO INVALIDATE THE REPORT OF THE HEARING EXAMINER.

20.

THEREFORE,WE HEREBY AT THIS POINT INVALIDATE THE REPORT OF THE HEARING EXAMINER;A SEVENTEEN (17) PAGE REPORT,BASED ON 22 EXHIBITS CLAIMED TO BEAR OUR SIGNATURES BY STATING,DECLARING,THAT OUR ATTRI--- BUTED TESTIMONY SHOWS THAT WE WERE NOT CONFRONTED WITH EITHER OF THE 22 EXHIBITS OR DOCUMENTS CITED AS SUPPORTING EVIDENCE BY THE EXAMINER. DENIAL OF DUE PROCESS.WE HAVE MADE THIS SAME CLAIM IN FEDERAL COURT FIVE (5) TIMES IN THE PAST FOUR AND ONE HALF YEARS,BUT WE -- HAVE BEEN VICTIMIZED BY A FEDERAL CONSPIRACY TO COVER UP FOR THE -

STATE COMMISSION AND ABERNATHY, LEWIS, ABERNATHY'S WITNESSES, BOYD, JOHNSON AND GUNTER. THE GA.ASS'N OF EDUCATORS SIMPLY BLEW $ 4,500. 00 WHICH IT PAID TO DEFENDANT FRANKEL, AN ATTORNEY, TO MONITOR THE COMMISSION'S HEARING ON JULY 16, 1976.

21.

SO, AFTER JULY 1976, ABERNATHY HAD HIMSELF A HEARING RECORD COM-- PILED IN OUR ABSENCE WHICH WAS "SUPPORTED" BY 127 FRAUDULENT DOCUMENTS & EXHIBITS CLAIMED TO BEAR OUR SIGNATURES-BUT WHICH THE RECORD RE- VEALS DID NOT GET INTRODUCED AT THE JULY 16, 1976 PUBLIC HEARING.

22.

WE WENT INTO FEDERAL COURT IN MARCH 1977 CLAIMING THAT THE COM- MISSION DENIED US DUE PROCESS REVELANT TO THE 127 AND 22 EXHIBITS & DOCUMENTS. ABERNATHY ANSWERED OUR SUIT BY FILING HIS COMMISSION COM- PILED RECORD. THE CLERK FILED OUR SUIT AND THE RECORD AS FILE NO.C 77-6-N.

23.

DISTRICT COURT JUDGE, ALBERT J. HENDERSON, JR. ACCEPTED A BRIBE AND CONSPIRED WITH THE DEFENDANTS TO GRANT THEM SUMMARY JUDGMENT NO.C77- 6-N IN AUGUST 1977. HE DID NOT AFFIRM THE FINDINGS AND EVIDENCE OF THE HEARING EXAMINER, BUT DRAFTED AN ORDER REFERRING TO EVIDENCE THAT MOST DEFINITELY IS NOT IN THE RECORD OF FILE NO.C77-6-N.

24.

IT OUR OPINION THAT JUDGE HENDERSON SAW THAT THE EXAMINER'S RE- PORT WAS NOT VALID ON THE BASIS OF THE 22 EXHIBITS & DOCUMENTS WHICH THE EXAMINER HAD CITED. SO, THE JUDGE SIMPLY WROTE ANOTHER "REPORT" OR ORDER." WE ARE FIRMLY CONVINCED THAT HENDERSON NEVER THOUGHT THAT HIS FRAUDULENT ORDER FOR CASE NO.C77-6-N WOULD EVER BE CHALLENGED. IN FACT, WE BELIEVE THAT ABERNATHY ASSURED HIM AS MUCH.

25.

HOWEVER, WHEN WE FILED PRO SE COMPLAINT NO.C78-31-N CHALLENGING THE VALIDITY OF JUDGE HENDERSON'S ORDER FOR CASE NO.C77-6-N, HE FOUND HIMSELF TRAPPED AND THE ONLY WAY TO ESCAPE, HE FIGURED, WAS BY MEANS OF A FRAUDULENT PRE-TRIAL ORDER.

26.

SO, HENDERSON DETERMINED THAT HE WOULD DENY OUR RIGHTS TO ALL EVI- DENCE IN THE RECORD SO THAT I COULD NOT PROVE ANYTHING AND TO THEN FALSELY SHOW ON THE RECORD THAT A LAWYER REPRESENTED US IN "THAT PRE-TRIAL CONFERENCE" AND CONSENTED TO THE CONTENTS OF THE PRE-TRIAL ORDER. SO, HE DID. SEE EXHIBITS NOS. 3 & 4 WHICH SHOWS THAT HENDER- SON LET THE DEFENDANTS DRAFT THEIR OWN PERSONAL PROTECTIVE ORDER -- WHICH WAS SUBMITTED TO HIM UNSIGNED, AND HE SIGNED THE SECOND COPY - WHICH SAYS IN PART, "ALL PARTIES WERE REPRESENTED BY LEGAL COUNSEL, INCLUDING THE PLAINTIFF, PRO SE." "PLAINTIFF, PRO SE" CAN'T BE" BECAUSE A PRO SE IS NOT REPRESENTED BY LEGAL COUNSEL.

27.

JUDGE HENDERSON ALSO MADE HIS FRAUDULENT PR-TRIAL ORDER APPLI---CABLE TO OUR PRO SE COMPLAINT NO.C78-47-N AND BY SO DOING CONSPIR-ED WITH THE DEFENDANTS TO CONTROL TWO FEDERAL COURT JUDGMENTS,----SPECIFFICALLY,JUDGMENTS NOS.C78-31-N,& C78-47-N,AND OF COURSE,HE WAS CONTROLLLING HIS FRAUDULENT JUDGMENT FOR CASE NO.C77-6-N BY MEANS OF THE SAME FRAUDULENT PRE-TRIAL ORDER DESIGNED TO DENY US ACCESS TO THOSE 127 EXHIBITS WHICH THE COMMISSION ACCEPTED AS EVI-DENCE AFTER THE PUBLIC HEARING ON JULY 16,1976.

28.

IT IS NOW OUR ARGUMENT THAT JUDGE HENDERSON NEEDED THAT FRAUDULENT PRE-TRIAL ORDER TO PROTECT HIMSELF FROM BEING EXPOSED AS A CONSPIRA-TOR WITH THE DEFENDANTS.IF IT IS A SIN TO SHOW THAT A FEDERAL JUDGE IS GUILTY OF MALFEASANCE IN OFFICE THEN STOP AND PROCEED NO FURTHER. WE HAVE BEEN TREATED LIKE A RUSSIAN SPY OR LESS FOR HAVING SHOWN THE EVIDENCE THAT CONVICTS JUDGE HENDERSON.

29.

A JUDGE IS NOT IMMUNE WHEN EVIDENCE SHOWS THAT HE IS GUILTY OF MALFEASANCE IN OFFICE.

30.

AFTER JUDGE HENDERSON HAD PERMITTED THE DEFENDANTS TO STEAL THE JUDGMENTS FOR CASES NOS.C78-31-N & C78-47-N BY MEANS OF A FRAUDULENT PRETRIAL ORDER,WE FILED CASE NO C79-106-N CHALLENGING THE VALIDITY OF HENDERSON'S FRAUDULENT PRE-TRIAL ORDER IN WHICH HE FALSELY CLAIMS A LAWYER REPRESENTED US IN TWO CASES IN HIS COURT,SPECIFICALLY,NOS. C78-31-N & C78-47-N.NO ATTORNEY REPRESENTED US WITH THOSE TWO CASES. DENIAL OF DUE PROCESS WAS THE CLAIM FOR CASE NO.C79-106-N.

31.

JUDGE TIDWELL LET CASE NO.C79-106-N STAY ON FILE FROM DECEMBER 3,1979 UNTIL MARCH 5,1980 BEFORE HE ISSUED AN ORDER REQUIRING THE DE-FENDANTS TO MAKE US AN OFFER OF CONSENT JUDGMENT. THE APPELLATE --- COURTS HOLD THAT: "ORDER FOR CONSENT JUDGMENT HAS SAME FORCE AND EF-FECT AS ANY OTHER JUDGMENT UNTIL SET ASIDE IN MANNER PROVIDED BY LAW" U.S.KELLUM(C.A.MISS.1975 F.2D 1284. SEE,EXHIBIT NO. 5 FOR CONSENT JUDGMENT ORDER.PARAGRAPH NO.8. WE HAD ONE DAY BEFORE MARCH 5,1980, ON MARCH 5,1980,FILED A MOTION FOR SUMMARY JUDGMENT REVELANT FOR CASE NO.C79-106-N.

32.

THIRTEEN (13) DAYS AFTER MARCH 4,1980 AND 12 DAYS AFTER MARCH 5, 1980 FIVE (5) OF NINE (9) DEFENDANTS HAD STATED THAT THEY COULD NOT CONTROVERT OUR SUMMARY JUDGMENT AFFIDAVIT.THEREAFTER,JUDGE TIDWELL

32.

DISMISSED CASE NO.C79-106-N FALSELY RULING THAT IT WAS BASED ON THE CLAIMS SET FORTH IN CASES NO.C78-31-N AND C78-47-N AND WAS THEREFORE BLOCKED BY DOCTRINE OF RES JUDICATA.PURE AND SIMPLE COLLUSION WITH THE DEFENDANTS.

33.

JUDGE TIDWELL HAS NOT TO THIS DATE ENFORCED HIS ORDER FOR A CONSENT JUDGMENT.JUDGE TIDWELL HAS NOT TO THIS DATE ENTERED A RULING UPON OUR NON-CONTROVERTED MOTION FOR SUMMARY JUDGMENT.CHEATED. JUDGE TIDWELL'S DISMISSAL ORDER FOR CASE NO.C79-106-N ORDERED THE SUPPRESSION OF THE FRAUDULENT PRE-TRIAL ORDER EVIDENCE."ORDER FOR SUPPRESSION BY GOVERNMENT OF EVIDENCE FAVORABLE TO MOVANT'S CASE VIOLATES DUE PROCESS" U.S.V.MARTIN,(C.A.GA. 1976) 565 F.2D 362.

34.

SINCE A PARTY CANOT BE CONVICTED FOR CIVIL CONTEMPT IF HE/SHE CAN SHOW BY A TRIAL THAT HE/SHE HAS NOT VIOLATED A VALID ORDER WE COULD HAVE SHOWN THAT JUDGE TIDWELL'S SUPPRESSION ORDER WAS NOT -- VALID IF JUDGE VINING HAD AFFORDED US A TRIAL BEFORE HE ENTERED AN ORDER ON OCTOBER 2,1980 JUDGING US TO BE GUILTY OF CONTEMPT.

35.

IT REQUIRES THE MIND OF A VICIOUS PERSON TO START THE RUMOR THAT THE REASON JUDGE VINING DID NOT AFFORD US OUR SECURED RIGHTS OF A TRIAL WAS BECAUSE WE WERE NOT MENTAL COMPETENT TO HELP A LAWYER - PREPARE OUR DEFENSE. A LAWYER NEEDS NO HELP.ALL HE WOULD HAVE TO - DO TO WIN THE CONTEMPT CITATION WOULD BE TO DEMAND THE PRODUCTION OF HENDERSON'S "PHANTOM LAWYER"A RULING ON A SUMMARY JUDGMENT MOTION AND ADJUDICATION UPON A CONSENT JUDGMENT ORDER,AND HE WINS THE CONTEMPT TRIAL.

36.

THEREFORE,IT IS OUR ARGUMENT THAT JUDGE VINING REFUSED TO TRY US WAS BECAUSE,JUST LIKE JUDGE TIDWELL,HE'S COVERING UP FOR HENDERSON AND THE DEFENDANTS.

37.

WE HAVE AT THIS POINT DOCUMENTED THAT JUDGES HENDERSON,TIDWELL,& VINING HAVE DISGRACED THE FEDERAL JUDICARY BY CONSPIRING TO DENY - THIS PRO SE THE DUE ADMINISTRATION OF JUSTICE.

38.

WE WOULD LIKE FOR THE COURT TO KNOW THAT WE COULD NOT APPEAL JUDGE TIDWELL'S SUPPRESSION DISMISSAL ORDER BECAUSE HE DENIED OUR REQUEST FOR A RULE 54 CERTIFICATION AND A RULE 58 JUDGMENT.

IT IS OUR ARGUMENT THAT IF AFFORDED A CONTEMPT TRIAL TO CHALLENGE THE VALIDITY OF JUDGE TIDWELL'S SUPPRESSION DISMISSAL ORDER FOR -- CASE NO.C79-106-N THAT WE COULD SHOW THAT HE LACKED THE POWER TO DISMISS THAT CASE BEFORE HE ADJUDICATED HIS CONSENT JUDGMENT ORDER AND OUR SUMMARY JUDGMENT MOTION.HE WOULD'NT HAVE ACTED THE SAME WAY HAD I BEEN REPRESENTED BY AN ATTORNEY.DEFRAUDED BY A FEDERAL JUDGE!

40.

SINCE TIDWELL CHEATED US OUT OF THE JUDGMENT FOR CASE NO.C79-106-N,WE FILED,OR TRIED TO FILE,CASE NO.C80-1236-A CLAIMING SUMMARY AND CONSENT JUDGMENT FOR CASE NO.C79-106-N.

41.

JUDGE MARVIN SHOOB,ONE OF THE MOST ARROGANT PEOPLE ON THIS PLA--- NET,TOOK JURISDICTION OVER WHAT WAS TO HAVE BEEN CASE NO.C80-1236-A AND LIED "RIGHT OFF THE BAT" TO KEEP IT FROM BEING FILED BY RULING THAT THE BANK RETURNED OUR FILING FEE CHECK FOR "INSUFFICIENT FUNDS" SEE,EXHIBIT NO.____. WE FURNISHED THE ORIGINIAL CHECK,NOT A COPY, TO FIFTH CIRCUIT JUDGE ,JAMES HILL,AND MOVED HIM TO SET ASIDE SHOOB'S PERJURED DISMISSAL ORDER FOR CASE NO.C80-1236-A. NO!

42.

JUDGE SHOOB'S PERJURY WAS A STALL UNTIL HE AND JUDGE MOYE COULD AGREE ON A PLAN TO GET CASE NO C80-1236-A VACATED BEFORE IT WAS SERV-ED. WHEREAS,THE COMPLAINT WENT TO THE CLERK'S OFFICE ON JULY 16,1980, JUDGES SHOOB AND MOYE TOOK UNTIL AUGUST 7,1980 TO DETERMINE THAT ONE LAWYER SHOULD BE CONTACTED AND ASKED TO DISMISS CASE NO.C80-1236-A.

43.

THIS COURT MUST UNDERSTAND THAT CASE NO.C80-1236-A WAS A "HOT POTATOE" IN THAT IT DOCUMENTED THAT HENDERSON AND TIDWELL HAD CON-SPIRED WITH THE DEFENDANTS TO DENY THIS PRO SE LONG OVER DUE JUSTICE AND CASE NO.C80-1236-A DEMANDED THE PRODUCTION OF TWO LAWYERS WHOM HENDERSON AND VINING CLAIM IN THEIR ORDERS HAVE REPRESENTED THIS PRO SE REVELANT TO THIS FEDERAL JUDICARY CONSPIRACY.

44.

IT IS OUR ARGUMENT THAT JUDGE VINING CONVICTED US FOR CIVIL CON-TEMPT WITHOUT A REQUESTED TRIAL BECAUSE IF AFFORDED OUR SECURED --- RIGHT TO A TRIAL WE WOULD HAVE PUBLICLY DISCREDITED JUSGE SHOOB AS A CONVICTED LIAR REVELANT TO OUR FILING FEE CHECK FOR WHAT WAS TO HAVE BEEN CASE NO.C80-1236-A.

45.

EVIDENCE DOCUMENTS THAT JUDGE SHOOB AND MOYE CONTACTED ATTORNEY AND DEFENDANT WILLIAM E.HOFFMAN,JR. AND REQUESTED THAT HE SECRETLY SUBMIT AN EX PARTE MOTION TO QUASH MARSHAL SERVICE, FOR CASE NO.C80-1236-A.

WE FILED AN AFFIDAVIT TO DISQUALIFY JUDGE SHOOB FROM TAKING JURISDICTION OVER CASE NO.C80-1236-A BASED ON OUR PAST EXPERIENCES WITH HIM WHICH HAD CONVINCED US THAT NO PRO SE COULD PROCEED IN HIS --- COURT WITH A FEDERAL CIVIL COMPLAINT. JUDGE SHOOB HAS NOT UNTIL THIS DATE RULED ON THAT DISQUALIFICATION AFFIDAVIT SET FORTH BY PROVISIONS OF 28 USC # # 144,455(a).

47.

IT IS OUR ARGUMENT THAT JUDGE SHOOB WAS "LEGALLY DISQUALIFIED" AND KNEW AS MUCH AND SINCE HE DID NOT HAVE THE POWER TO QUESTION THE VALIDITY OF THE DISQUALIFICATION AFFIDAVIT HE SIMPLY IGNORED - OUR AFFIDAVIT TO DISQUALIFY HIM FROM ASSUMING JURISDICTION OVER CASE NO.C80-1236-A.

48.

IT IS ALSO OUR ARGUMENT THAT IF A LAWYER HAD FILED THE SAME DISQUALIFICATION AFFIDAVIT THAT SHOOB WOULD HAVE WITHDRAWN FROM THE CASE. "WHERE AFFIDAVITS AND CERTIFICATE FILED ON MOTION TO RESCUE PASS DUAL TEST OF SUFFICIENCY AND TIMELINESS,MOTION TO RESCUE MUST BE GRANTED,THOUGH JUDGE KNOWS THAT ALLEGATIONS OF PREJUDICE AND BIAS ARE FALSE" SEE,U.S.V.GARRISON,(D.C.LA. 1972) 340 F.SUPP.952.

49.

AT ANY RATE,DEFENDANT HOFFMAN'S MOTION,EX PARTE MOTION,TO QUASH MARSHAL'S SERVICE OF CASE NO.C80-1236-A ON THE NAMED DEFENDANTS DID FALSELY ALLEGE THAT OUR CHECK WAS NOT HONORED BY THE BANK.WHERE DID HE GET THAT LIE BUT FROM SHOOB? HOFFMAN ALLEGED THAT FILING CASE NO. C80-1236-A VIOLATED A VALID SUPPRESION ORDER,SPECIFICALLY ORDER NO. C79-106-N,AND HE ASKED THAT WE BE CITED FOR CONTEMPT OF COURT.HOFF--MAN'S AUGUST 8,1980 EX PARTE MOTION WAS BASED ON 100% PERJURED ALLEGATIONS AND HE KNEW AS MUCH.

50.

WE FILED ON AUGUST 11,1980 A MOTION FOR A COUNTER CLAIM OF CIVIL CONTEMPT AGAINST HOFFMAN ON THE GROUND THAT A LAWYER IS AN OFFICER OF THE COURT AND IT IS CONSIDERED CONTEMPTUOUS FOR AN OFFICER OF - THE COURT TO KNOWINGLY LIE TO THE COURT.

51.

WHEREAS,HOFFMAN GOT US CITED ON AUGUST 7,1980,NO FEDERAL JUDGE [1] HAS UNTIL THIS DATE RULED ON OUR MOTION TO CITE HOFFMAN FOR CIVIL CONTEMPT OF COURT. IF THAT FACT DOES'NT DEMONSTRATE PREDJUICE AND BIAS CONDUCT THEN NO EVIDENCE ~.

52.

IT IS ALSO OUR ARGUMENT THAT JUDGE VINING DID NOT AFFORD US A PUBLIC TRIAL ON THE CIVIL CONTEMPT CHARGES,IF THAT WAS THE CHARGE, BECAUSE WE WOULD HAVE FURTHER DISCREDITED THE COURT SHOWING NO RULING ON OUR CONTEMPT MOTION,BUT THAT HOFFMAN'S MOTION WAS ACTED UPON THE SAME DATE IT WAS FILED. ([1] DATE OF CONTEMPT MOTION.

53.

THE FACT SHOULD BE UNDERSTOOD THAT JUDGE TIDWELL GRANTED HOFFMAN'S CONTEMPT MOTION ON AUGUST 7,1980 AND THAT JUDGE SHOOB GRANTED HIS EX PARTE MOTION ON AUGUST 8,1980 AFTER WHICH JUDGE TIDWELL DISQUALIFIED HIMSELF FROM HEARING THE CONTEMPT CASE AND ASSIGNED THE MATTER TO JUDGE ROBERT L.VINING'S COURT.

54.

IT IS OUR FURTHER ARGUMENT THAT JUDGE VINING KNEW IN OCTOBER 1980 WHEN HE CONVICTED US WITHOUT A TRIAL,AND THAT JUDGE HILL KNEW IN JANUARY 1981 WHEN HE DENIED US A RULING FOR COUNSEL AND A SPEEDY TRIAL,THAT JUDGE VINING CANNOT EVER PUBLICLY TRY US FOR CONTEMPT,BE IT CIVIL OR CRIMINAL,BECAUSE TO DO SO WOULD AFFORD US THE CHANCE TO DISCREDIT AND IMPEACH FOUR (4) FEDERAL JUDGES.

55.

PLEASE REMEMBER THAT ONE OF THE FOUR (4) JUDGES,NAMELY,HENDERSON,STOLE THE JUDGMENTS FOR CASES NOS.C78-31-N & C78-47-N WITH A FRAUDULENT PRETRIAL ORDER DESIGNED TO DENY US ACCESS TO 127 EXHIBITS & DOCUMENTS AND HE FALSEY STATED IN HIS ORDER DRAFTED BY THE DEFENDANTS THAT "MY" -- "PHANTOM LAWYER"AGREED TO TO THE TERMS OF THAT --- FRAUDULENT PRE-TRIAL ORDER.

56.

THEN YOU MUST RECALL THAT A SECOND JUDGE,NAMELY TIDWELL,STOLE THE JUDGMENT FOR CASE NO.C79-106-N IGNORING HIS OWN CONSENT JUDGMENT ORDER AND OUR NON-CONTROVERTED SUMMARY JUDGMENT MOTION. AN ORDER FOR A CONSENT JUDGMENT MEANS THAT THE COURT HAS REVIEWED THE -- EVIDENCE AND HAS DETERMINED THAT THE PLAINTIFF IS ENTITLED TO RE-- LIEF.

57.

A THIRD JUDGE THAT WE COULD DISCREDIT VIA A PUBLIC TRIAL IS ONE, MARVIN SHOOB.

58.

IF AFFORDED A PUBLIC TRIAL AS DEMANDED BY THE SIXTH AMENDMENT, JUDGE VINING WOULD BE THE FOURTH FEDERAL JUDGE DISCREDITED WHEN WE HAD FINISHED READING HIS PERJURED ALLEGATION CERTIFIED AS "TRUTH" THAT WE FAILED TO APPEAR ON SEPTEMBER 3,1980 FOR A COURT ORDERED -- TRIAL.YOU SEE,SIRS,WE WOULD READ PUBLICY JUDGE VINING'S ORDER IN - WHICH HE CANCELED THAT SEPTEMBER 3,1980 SCHEDULED CONTEMPT TRIAL. SEE,EXHIBITS NOS. A & B .

59.

THEREFORE,BASED ON UNIMPEACHABLE FACTS CITED IN THE FOREGOING ARGUMENT THE FACT MUST BE CLEAR TO THIS COURT WHY JUDGE VINING CONVICTED US FOR CONTEMPT IN OCTOBER 1980 WITHOUT A TRIAL.HE CAN ARGUE

THAT HE HAS NOT,BUT WHEN HE ISSUED AN ORDER ON OCTOBER 2,1980 MANDATING THAT THE CLERK WOULD NOT ACCEPT ANYMORE PLEADINGS FROM US SEEKING COURT APPOINTED COUNSEL AND A CONTEMPT TRIAL,HE DEFINITELY WAS CONVICTING US AND CLOSING HIS "RECORD"ON THE AUGUST 7,1980 CONTEMPT CITATION. A CONTEMPT CITATION IS REGULARLY HEARD DURING THE TERM OF THE ACTION SAID TO BE CONTEMPT AND NOT ONE,TWO OR THREE YEARS LATER.

60.

IT IS OUR ARGUMENT THAT THIS HONORABLE COURT SHOULD CONSIDER THIS PETITION FOR THE DUE ADMINISTRATION OF JUSTICE BECAUSE IF NOT DONE THIS VICTIM OF A FEDERAL JUDICARY COVER UP CAN PROMISE YOU THAT THE SAME DISHONEST JUDGES WILL STILL BE"OPEN FOR BUSINESS AS USUAL"WHEN THE NEXT PRO SE COMES INTO THEIR COURT.JESUS TOOK A WHIP AND CHASED THE MONEY CHANGERS OUT OF THE TEMPLE FOR DEFILING "MY FATHER'S HOUSE" AND I SAY TO YOU THAT YOU ARE CHARGED WITH THE DUTY TO DO THE SAME WHEN EVIDENCE SHOWS THAT DISHONEST JUDGES ARE "DEFILING"THE FEDERAL JUDICARY.

RELIEF-6

THIS CHEATED,DEFRAUDED PRO SE,WHO HAS BEEN THE VICTIM OF A FOUR AND ONE HALF YEARS FEDERAL JUDICARY CONSPIRACY,RESPECTFULLY REQUESTS SUCH RELIEF THAT THE COURT DEEMS TO BE APPROPRIATE AND JUST.

RESPECTFULLY SUBMITTED,

James Patterson

JAMES E.PATTERSON,PRO SE
1004 VERNON STREET
LAGRANGE,GEORGIA 30240

DATED: 3-6-81.

PLEASE BE ADVISED THAT ATTORNEY KENNETH GORDON IS LISTED IN THE CAPTION AS A DEFENDANT BECAUSE WE PAID HIM $ 1,500.00 ON SEPTEMBER 7, 1976 TO CHALLENGE THE COMMISSION'S FINDINGS IN FEDERAL COURT AND WE ARE STILL WAITING FOR THAT SERVICE.

JEFFERY SMITH IS LISTED AS A DEFENDANT BECAUSE HE DRAFTED THE FRAUDULENT PROTECTIVE ORDER WHICH JUDGE HENDERSON SIGNED VERBATIM.

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT
OFFICE OF THE CLERK

GILBERT F. GANUCHEAU
CLERK

TEL 404-221-6187
FTS-242-6187
56 FORSYTH ST., N.W.
ATLANTA, GEORGIA 30303

March 24, 1981

RECEIVED
MAR 26 1981
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Mr. Alexander Stevas, Clerk
Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543

Nos. 80-8289 PATTERSON v. ABERNATHY
80-8290

Dear Mr. Stevas:

I am forwarding to you petitioner's Notice of Appeal to the Supreme Court of the United States from this Court's Order of January 28, 1981, stating "These appeals have been dismissed for lack of jurisdiction by order of this court on 12-29-80, the Clerk is directed to return to Mr. Patterson any further pleadings in this matter until a final order shall have been rendered by the district court and a timely notice of appeal therefrom shall have been filed."

As is our usual procedure, we will await further word from you as to the forwarding of this record.

Sincerely,

GILBERT F. GANUCHEAU, Clerk

By Shelda V. Harris
Shelda V. Harris
Case Manager

SVH:rcn

Enclosure

cc: Mr. John Taylor
Mr. Steven Fanning
Ms. Linda Birrel
Mr. William E. Hoffman, Jr.
Mr. Robert Castellani

PATTERSON, JAMES E.

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

U.S. COURT OF APPEALS
RECEIVED
FEB 23 1981
ATLANTA

JAMES E. PATTERSON, PETITIONER/APPELLANT

V.

OTIS J. ABERNATHY, RALPH JOHNSON, JAMES LEWIS, KENNETH GORDON, THEODORE FRANKEL, HANS J. SCHACHT, JOHN HINCHEY, WESLEY BOYD, NEIL GUNTER, RESPONDENTS/APPELLES

IN RE: C.A. NO. 80-1236-N

U.S. COURT OF APPEALS
FILED
MAR 23 1981
GILBERT F. GANUCHEAU
CLERK

80-8289

JAMES E. PATTERSON, PETITIONER, APPELLANT

V.

JAMES LEWIS, OTIS ABERNATHY, RALPH JOHNSON, KENNETH GORDON, THEODORE FRANKEL, HANS J. SCHACHT, JOHN HINCHEY, NEIL GUNTER, WESLEY BOYD & THE U.S. DISTRICT COURT FOR NORTHERN DISTRICT OF GEORGIA. RESPONDENTS/APPELLES.

80-8290

IN RE: C.A. NO. 80-1236-A

NOTICE OF INTENT TO APPEAL

I, JAMES E. PATTERSON, APPELLANT IN THE ABOVE-STYLED CASES HEREBY - SERVES NOTICE OF INTENT TO APPEAL TO THE U.S. SUPREME COURT THIS --- COURT'S REFUSAL TO GRANT APPELLANT SHOW CAUSE TRIAL AS PROVIDED FOR BY SECURED RIGHTS OF THE FIFTH, SIXTH AND FOURTEENTH AMENDMENTS TO THE CONSTITUTION.

2.

WE FURTHER CERTIFY THAT WE INTEND TO APPEAL'S THIS COURT'S REFUSAL TO GRANT US A HEARING TO SHOW THAT FED R CIV P RULE 65(a(1) DOES NOT EMPOWER DISTRICT COURTS TO GRANT PERMANENT INJUNCTIVE RELIEF BASED SOLELY ON UNSWORN "FACTS" WHEN WE HAD PETITIONED THE COURT FOR OUR SECURED CONSTITUTIONAL RIGHT TO A HEARING ON THE DEPENDANT'S APPLICATION FOR PERMANENT INJUNCTIVE RELIEF WHICH THEY ASKED TO BE GRANTED "WITHOUT ORAL ARGUMENT" AND SO IT WAS DONE. THE DISTRICT COURT HELD IN DISMISSING C.A.NO.C80-1236-A THAT WE HAD NO RIGHT TO SEEK RELIEF BY PROVISIONS OF FED R CIV P RULE 62(c) AND THIS COURT DID AFFIRM SUCH A FALSE RULING.

3.

WE FURTHER CERTIFY THAT WE INTEND TO APPEAL TO THE SUPREME COURT THIS COURT'S REFUSAL TO ENTER A RULING ON OUR SECURED RIGHTS TO --- COURT APPOINTED COUNSEL WHEN CHARGED WITH HAVING VIOLATED A FEDERAL STATUTE AND WHEN WE HAVE ESTABLISHED OUR POVERTY CONDITION SHOWING THAT WE LACK THE MONEY WITH WHICH TO RETAIN PRIVATE COUNSEL. SECTION 706(f) TITLE VII - CIVIL RIGHTS ACT-1964[42 USC # 2000c-5(f)(1)---- CASTON V. SEARS, ROEBUCH & CO, HATTIESBURG, MISS. (5TH CIR 1977) 556 F2D 1305

SUPREME COURT RULE # 13 REQUIRES APPELLANT TO DOCKET HIS APPEAL "NOT MORE THAN NINETY DAYS AFTER ENTERY OF THE JUDGMENT APPEALED FROM." THE DATE OF ENTRY OF THE JUDGMENT APPEALED FROM IS JANUARY 28,1981.

BOTH THIS COURT AND THE DISTRICT COURT ORDERED THE CLERKS AND THE DEFENDANTS NOT TO RESPOND TO ANY MOTION,OR OTHER PLEADING,FILED BY US WITH ANY COURT REVELANT TO THIS MATTER.THEREFORE,WE SHALL NOT SERVE THE DEFENDANTS WITH A COPY OF THIS "NOTICE OF INTENT TO APPEAL" BECAUSE THEY ARE UNDER A FEDERAL COURT ORDER NOT TO RESPOND TO OUR FURTHER EFFORTS TO REALIZE OUR CONSTITUTIONAL RIGHTS.

FED R CIV P RULE 65(d) REQUIRES THAT AN INJUNCTION BE A SEPARATE JUDGMENT FROM THE COURT'S MEMORANDUM OPINION OR ORDER AND THAT SAID INJUNCTION MUST BE SERVED WITH A NOTICE AND IF SUCH REQUIREMENTS ARE NOT ADHERED TO THEN THE "INJUNCTIVE RELIEF" GRANTED BY THE COURT-DENIES DUE PROCESS.

James E. Patterson

JAMES E.PATTERSON,PRO SE
1004 VERNON STREET
LAGRANGE,GEORGIA 30240
[404] 882-8533

DATED: 2.25.81.

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

UNIT B

U.S. COURT OF APPEALS
FILED
OCT 23 1980
GILBERT F. GANUCHEAU
CLERK

No. 80-8289

No. 80-8290

JAMES E. PATTERSON,

Petitioner

versus No. C79-106-N

OTIS J. ABERNATHY,
HANS J. SCHACHT, et al.

Respondents

* * * * * * * * * *

JAMES E. PATTERSON,

Petitioner

versus No. C80-1236-A

EXHIBIT D

OTIS J. ABERNATHY and
THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA,
et al.

Respondents

Appeal from the United States District Court for the Northern District of Georgia

Before HILL, FAY and ANDERSON, Circuit Judges.

BY THE COURT:

IT IS ORDERED that the appeal by appellant (appellant appealed for a trial) from the order entered by Judge Tidwell on August 7, 1980, in the civil action numbered in the court below as C79-106-N, is dismissed, because, inter alia, it appears that the order is a show cause order requiring James E. Patterson to show cause why he should not be held in contempt, and it further appearing that the contempt hearing was to be held in the future. This dismissal is without prejudice to Mr. Patterson's right to appeal following a final judgment of contempt, if any.

the court underlined.

(you see no evidence to this effect and in fact the district judge ruled no trial. 2-10-81 JEP.

FLA

FTF

(just been trying since 8/07/80 to show cause why I am not in contempt but Judge Vining ordered the clerk on 10/03/80 not to accept any more motions from me stalling — a trial. 1-30-81

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta
JAN 6 1981
BEN H. CARTER, Clerk
By: Deputy Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT
UNIT B

U.S. COURT OF APPEALS
FILED
DEC 29 1980
GILBERT F. GANUCHEAU
CLERK

No. 80-8289
and 80-8290

JAMES E. PATTERSON,

Petitioner,

v. No. C79-106-N

OTIS J. ABERNATHY,
HANS J. SCHACHT, et al.,

Respondents.

****

JAMES E. PATTERSON,

Petitioner,

v. No. C80-1236-A

Exhibit C

OTIS J. ABERNATHY and
THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA, et al.,

Respondents.

Appeal from the United States District Court for the Northern District of Georgia

Before HILL, FAY and ANDERSON, Circuit Judges.

BY THE COURT:

Appellant previously filed documents in this court, which were close to being unintelligible. We studied the documents carefully, and attempted a liberal construction thereof, which resulted in our order entered on October 23, 1980. Our October 23, 1980, order liberally construed appellant's documents as a timely (i.e., filed on September 4, 1980) notice of appeal from Judge Tidwell's order on August 7, 1980, in

C

civil action numbered in the court below as C79-106-N, and as a timely notice of appeal from Judge Shoob's order on August 8, 1980, in civil action numbered in the court below as C80-1236-A. Our October 23, 1980, order dismissed the appeal from the order in civil action no. C79-106-N as not being ripe for appeal, but ordered that the appeal from Judge Shoob's August 8, 1980, order in civil action no. C80-1236-A be marked as having been filed on September 4, 1980, and further directed the district court to consider appellant's application to proceed in forma pauperis in C80-1236-A. Subsequently, Judge Shoob, on October 29, 1980, entered an order denying appellant's motion for leave to proceed on appeal in forma pauperis pursuant to Fed.R.App.P. 24(a), finding that appellant's appeal was not taken in good faith and was frivolous.[1]

---

[1]Except for our holding below that the appeals in these cases are not timely, we would have denied appellant's motion to proceed on appeal in forma pauperis. Evidence of malfeasance in office by a judge is never Timely -

---

Subsequent to our October 23, 1980, order[2], appellant on October 28, 1980, filed voluminous papers. Although these papers are again verbose and almost unintelligible, it is clear that appellant asserts that his only notice of appeal was filed on September 15, 1980. Since the only[3] orders appealed from were the August 7, 1980, order in civil action no. C79-106-N, and the August 8, 1980, order in civil action no. C80-1236-A, the September 15, 1980, notice of appeal was filed after the 30-day period allowed by Fed.R.App.P. 4. Accordingly, both appeals are hereby DISMISSED.[4]

[2]In light of this order dismissing the appeals, we hereby withdraw our order dated October 23, 1980.

I also appealed for Court appointed counsel but you refused to rule on that.

[3]Appellant may also be attempting to appeal from Judge Vining's order in C79-106-N, which order was dated August 28, 1980, and entered on September 2, 1980, and which order was attached to appellant's papers as Exhibit D. However, Judge Vining's order is merely an order continuing the time for the show cause hearing, and therefore is not an appealable order.

I appealed for a speedy trial

[4]Even if we should liberally construe appellant's document entitled "Motion to Disqualify Judge" as a petition for writ of mandamus to require the judge to disqualify himself, we would deny the petition as supported only by conclusory allegations and as devoid of merit.

the disqualifying statutes do not permit you to question his affidavit. Read attached Exhibit B and rule again.

A True Copy
Attested:
Clerk, U.S. Court of Appeals, Fifth Circuit
By: Brenda Haines
Deputy Clerk
Atlanta, Ga. 12/29/80

U.S. COURT OF APPEALS
FILED
JAN 28 1981
GILBERT F. GANUCHEAU
CLERK

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

Nos. 80-8289

and 80-8290

Received by James Patterson on 2-6-81.

EXHIBIT #2

JAMES E. PATTERSON,

Petitioner,

v.

OTIS J. ABERNATHY,
HANS J. SCHACHT, et al.

Respondents.

* * * * * * * * * *

JAMES E. PATTERSON,

Petitioner,

v.

OTIS J. ABERNATHY AND
THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA, et al.,

Respondents.

Appeal from the United States District Court for the

Northern District of Georgia

O R D E R :

These appeals having been dismissed for lack of jurisdiction by order of this court on December 29, 1980, the clerk is directed to return to Mr. Patterson any further pleadings in this matter until a final order shall have been rendered by the district court and a timely notice of appeal therefrom shall have been filed.

In other words, the appellate Court refuses to grant me a contempt trial so that I can clear my name as a violator of a federal law. 2/9/81

It was Timely according to FRAP-26(c)

UNITED STATES CIRCUIT JUDGE

page 13-C

ATLANTA DIVISION

BY: [illegible]
Deputy Clerk

-JAMES E. PATTERSON

-vs-

HANS J. SCHACHT, et al

CIVIL ACTION

NO. C 79-106 N

ORDER

Defendant Theodore G. Frankel having moved the Court to hold Plaintiff James E. Patterson in Contempt of Court for violating the Court's Order and injunction of March 20, 1980, by filing on July 21, 1980 a new Complaint in the District Court styled Patterson v. Abernathy, et al, Civil Action File No. C80-1236A, having further moved the Court to enforce its injunction by enjoining and quashing service of said Complaint, and the Court having considered that Motion and the Memorandum in Support thereof, and the matter having been referred to Honorable Robert L. Vining, Jr., United States District Judge, Northern District of Georgia, for a show cause hearing in the matter, by Honorable G. Ernest Tidwell, United States District Judge, Northern District of Georgia,

IT IS THEREFORE ORDERED that the show cause hearing date of September 3, 1980 at 4:00 o'clock p.m., be, and the same hereby is continued until further order of this Court.

This the 28th day of August, 1980.

"Continued" you said and I received private Counsel in spite of the fact that I applied for Court appointed Counsel on the ground that I am not employed. 11-15-80

You issued me a show cause order. But now refuse counsel and a show cause Trial. WHY? The answer is, "Because, like I told you, you don't need a lawyer and this Court will not appoint one for you."

11/15/80

Robert L. Vining, Jr.
ROBERT L. VINING, JR.
UNITED STATES DISTRICT JUDGE

FILED IN CLERK'S OFFICE
AND A TRUE COPY CERTIFIED, THIS
9/8/80
Dan E. [illegible], Clerk
By: [illegible]
Deputy Clerk

EXHIBIT #B-1

FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

JAMES E. PATTERSON :
:
v. : CIVIL ACTION NO. C79-106N
:
HANS J. SCHACHT, et al :

B-1

ORDER

Defendant Theodore G. Frankel having moved the Court to hold Plaintiff James E. Patterson in Contempt of Court for violating the Court's Order and injunction of March 20, 1980 by filing on July 21, 1980 a new Complaint in the District Court styled Patterson v. Abernathy et al, Civil Action File No. C80-1236A, having further moved the Court to enforce its injunction by enjoining and quashing service of said Complaint, and the Court having considered that Motion and the Memorandum in Support thereof,

It is hereby ORDERED, that Plaintiff James E. Patterson appear at the United States Courthouse; Atlanta, Georgia; Courtroom 221 on August 21, 1980 at 10:30 o'clock A.m. and show cause why he should not be held in Contempt of Court as prayed.

I did not make thru- these links. 11/25/80

~~It is further Ordered that the Complaint in~~ Patterson v. Abernathy, C80-1236A shall not be served upon any Defendant pending further order by this Court.

This Order shall be communicated to the Clerk for the United States District Court for the Northern District of Georgia and the United States Marshal for the Northern District of Georgia.

So Ordered this 7 day of August, 1980.

G. Ernest Tidwell, Judge
United States District Court
For The Northern District of
Georgia, Atlanta Division

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta
8/11/80
By: Deputy Clerk

) Filed as 9 defendants, and defendants FRANKEL and Hoffman — filed the civil contempt motion. Judge Tidwell just cut-right thru my right to summary judgment J.E.P. for C.A. 79-106N.

11-25-80

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
9/2/80
BEN H. CARTER, Clerk
BY: Karen Jarrett
Deputy Clerk

JAMES E. PATTERSON

-vs-

HANS J. SCHACHT, et al

CIVIL ACTION
NO. C 79-106 N

A/A

ORDER

Defendant Theodore G. Frankel having moved the Court to hold Plaintiff James E. Patterson in Contempt of Court for violating the Court's Order and injunction of March 20, 1980, by filing on July 21, 1980 a new Complaint in the District Court styled Patterson v. Abernathy, et al, Civil Action File No. C80-1236A, having further moved the Court to enforce its injunction by enjoining and quashing service of said Complaint, and the Court having considered that Motion and the Memorandum in Support thereof, and the matter having been referred to Honorable Robert L. Vining, Jr., United States District Judge, Northern District of Georgia, for a show cause hearing in the matter, by Honorable G. Ernest Tidwell, United States District Judge, Northern District of Georgia, (2) now - read Exhibit D again

IT IS THEREFORE ORDERED that the show cause hearing date of September 3, 1980 at 4:00 o'clock p.m., be, and the same hereby is continued until further order of this Court.

"Did not appear as ordered?"

This the 28th day of August, 1980.

Robert L. Vining, Jr.
ROBERT L. VINING, JR.
UNITED STATES DISTRICT JUDGE

Judge Vining Canceled this contempt trial date and then falsely certified to the Fifth Circuit that I failed to appear and then Judge Hill ruled for the fifth that such misconduct did not disqualify Judge Vining.

FILED IN CLERK'S OFFICE
AND A TRUE COPY CERTIFIED, THIS
9/8/80
Ben H. Carter, Clerk
By: Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

#B

JAMES E. PATTERSON,

Plaintiff,

vs.

HANS J. SCHACHT, JOHN HINCHEY, NEIL GUNTER, WESLEY BOYD, both individually and in their official capacities as State of Georgia employees, THEODORE E. FRANKEL, individually and in his capacity as counsel for The Georgia Association of Educators, RALPH JOHNSON, individually and in his capacity as an employee of the Troup County Schools, OTIS J. ABERNATHY, both individually and in his capacity as Superintendent of Troup County Schools, KENNETH L. GORDON as counsel for Plaintiff, and Bonding Companies of all Defendants,

Defendants.

CIVIL ACTION

No. C 79-106 N

(1) well, Sir, since said order is not an "appealable order" why don't you grant me a Trial?

(2) "additionally", Judge, if your lie were true, you would have issued a bench warrant for my arrest and then tried me for criminal contempt. I have not been arrested or Tried.

ORDER

The plaintiff seeks leave to appeal in forma pauperis the order of August 8, 1980, in which he was directed to show cause why he should not be held in contempt. The August 8, 1980, order is not an appealable order, and the notice of appeal was filed more than thirty days after that order. (1) See A Additionally, the plaintiff did not appear at the time or place ordered in the August 8 order. For these reasons, the court hereby certifies pursuant to Fifth Circuit Local Rule 8.3 that the appeal is frivolous and not taken in good faith, and the motion to proceed in forma pauperis is DENIED.

SO ORDERED, this 6th day of October, 1980.

Robert L. Vining, Jr.
ROBERT L. VINING, JR.
United States District Judge

(3) "additionally", Judge Vining wrote the order that canceled the August 8 order. See his order of 9/29/80. no. You aren't about to for civil contempt by me and afford me the right to force you to prove your charges for benefit of the Defendants.

FILED IN CLERK'S OFFICE
AND A TRUE COPY CERTIFIED, THIS
10/9/80
Ben E. [illegible], Clerk
By: [illegible] Deputy Clerk

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JAMES E. PATTERSON, :

Plaintiff, :

v. : CIVIL ACTION

OTIS J. ABERNATHY, et al., : C80-1236A

Defendants :

ATTEST: A TRUE COPY CERTIFIED THIS 12th day of Aug. 1980
Ken B. Carter, Clerk
by: Doris Wynn
Deputy Clerk

ORDER

It appearing to the Court that the Complaint in the above captioned matter fails to comply with Rule 8 of the Federal Rules of Civil Procedure, and it further appearing to the Court that the Plaintiff's filing of the Complaint is in violation of the Order and injunction in Patterson v. Schacht, C79-106N (N.D. Ga. March 20, 1980),

It is hereby ORDERED that the Complaint be DISMISSED with prejudice and that service of the Complaint and summons be QUASHED.

This Court has been advised by the clerk's office that plaintiff's check for the cost deposit in this case has been returned for insufficient funds. It is ORDERED that the Clerk of the United States District Court for the Northern District of Georgia shall not accept any further complaints for filing or service from the Plaintiff unless all fees for filing and service are paid by cash, money order, cashiers check, or certified check.

This Order shall be communicated to the Clerk of the United States District Court for the Northern District of Georgia and the United States Marshal for the Northern District of Georgia.

#6

and the Marshal is instructed that the Complaint in this matter shall not be served upon any Defendant. Since there was no defendant you violated federal law By accepting an ex parte motion to dismiss

IT IS SO ORDERED, this 8th day of August, 1980.

(2)

(2) You lacked Jurisdiction over case as defendants said you did not have service of process evidenced

Marvin H. Shoob, Judge
United States District Court
Northern District of Georgia

Why didn't you rule on my affidavit to disqualify you, dated 7/15/80? Tidwell, also-?

Judge Tidwell's show cause order states complaint filed on 7/21/80 and it should have been served before 8TH of August - 1980 Judge must sign for service on 7/15/80

Judge

April 13, 1976

Mr. James E. Patterson
Visiting Teacher
Troup County Schools
Troup High School
LaGrange, Georgia 30240

Dear Mr. Patterson:

Your contract for the 1976-77 school year has not been renewed.

Sincerely yours,

Otis J. Abernathy

Otis J. Abernathy
Superintendent
Troup County Schools

OJA:jss
bc: Mr. James Lewis

the Supt. doesn't have to write me a one sentence letter terminating my employment contract if he plans for the required hearing- which I didn't get.

ABERNATHY ADVISED THAT "YOUR CONTRACT FOR THE 1976-77 SCHOOL YEAR HAS NOT BEEN RENEWED" HE FIRED ME ON APRIL 12,1976 IN CLEAR VIOLATION OF GA.CODE.ANN.# 32-2101c,(b)NOTICE,(e)HEARING.

PLEASE NOTE THE "bc" TO JAMES LEWIS. IF WHAT ABERNATHY HAD DONE WAS LEGAL THERE WAS NO NEED TO SLIP HIS LAWYER A "bc" OF THE ABOVE LETTER AND SINCE LEWIS ATTENDS ALL LOCAL SCHOOL BD. MEETING HE KNEW THAT I WAS FIRED ON APRIL 12,1976 BECAUSE HE WAS PRESENT WHEN THE BOARD VOTED TO TERMINATE MY CONTRACT OF EMPLOYMENT FOR SCHOOL YEAR 1976-1977 IN VIOLATION OF DUE PROCESS.

IF THIS COURT APPROVES OF ABERNATHY FIRING A TEACHER WITH 30 OF SERVICE WITHOUT AFFORDING A DUE PROCESS HEARING THIS COURT HAS MADE THE JOB PROTECTION INTENDED BY STATE LAW TO BE A MOCKERY AND ABERNATHY WILL KNOW THAT HE HAS A LICENSE FROM THE U.S.SUPREME COURT TO FIRE WHOM HE PLEASES AND WHEN HE PLEASES.

J.E. Patterson
5-10-81